

INITIAL DRAFT

REVIEW AND REVISION OF THE MANAGEMENT SYSTEM
OF KILL DEVIL HILLS

PREPARED BY THE TOWN BOARD OF COMMISSIONERS
WITH AND ON THE ADVICE OF THE PLANNING BOARD
AND THE ZONING BOARD AND THE TECHNICAL
ASSISTANCE OF COASTAL CONSULTANTS, LTD.

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The preparation of this report was financed in part through a grant provided by the North Carolina Coastal Management Program, through funds provided by the Coastal Zone Management Act of 1972, as amended, which is administered by the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration.

KILL DEVIL HILLS MANAGEMENT SYSTEM

Section I. An overview of the Work Undertaken

Section II. Policies and Implementation from the Kill Devil
Hills Land Use Plan

Revised Tools:

Subdivision Regulations

Zoning Ordinance

*Building Code changes and Administrative adjustments are not included
in this package.

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KILL DEVIL HILLS:
MANAGEMENT TOOLS

I. AN OVERVIEW OF WORK UNDERTAKEN

The Kill Devil Hills Management System includes a zoning ordinance, subdivision regulations, off-road vehicle ordinance, building code and administrative orders. The zoning ordinance proposed herein represents an extensive reworking of the old ordinance. The goal of the ordinance is to shape growth and development (especially redevelopment) in the next twenty years. The subdivision regulations are also an extensive reworking of the old ordinance and are designed to address the remaining undeveloped tracks and several sparsely developed tracks which were poorly designed and may be ripe for replacing. The subdivision regulations attempt to incorporate some of the newer permissive features allowed under the law. Some building changes are being considered by the Town; but were not included in this package.

The reworking of the zoning ordinance has emphasized considering natural features in selecting densities, uses, and the siting of those uses. Among the natural features considered were wetlands, dunes, forested and vegetated areas, water, soils. Several manmade constraints were considered, especially proximity to the road system and interrelationship to existing uses. Because there were so many features to consider and due to the legal requirement of uniformity within districts, it was best to create about 15 zones or districts.

The revised zoning ordinance strives to implement the policies of the Land Use Plan (1980). Policy 1 required allocation of areas for more high density (present amount inadequate and in the wrong place - See Policy 2) and for more moderate density. The Industrial Zone has been distinguished from the Mobil Unit District formerly called an Industrial Zone and which already is developed with mobile homes and which further possesses little natural resource value in terms of production to justify its being labeled as Industrial (See Policy 4). The ordinance designated a new commercial zone, Community Commercial, which will envision mall style commercial activity reaching from Bypass to Beach Road in one, maybe two areas of Town. These should draw a line on the increasingly strip nature of development on the Bypass and assist the Town in protecting its residents in their use of the highways (See Policy 5). Energy facilities and utility facilities should be allowed, if at all, only as a special use (See Policy 6). The ordinance has reserved room for adding an historical preservation zone (See Policy 7). The ordinance allows for PUD as a special use (although only a sketch PUD ordinance is included in this package). The ordinance also leaves room for an overlay district for compatibility with the airport.

The major thrust of the zoning ordinance is a DESIGN for the future. Most existing development will be recognized as non-conforming uses, structures, lots, etc. However, as gradual redevelopment occurs, the ordinance should help shape the Town's vision for the future.

The subdivision regulations have been revised to provide for performance bonds, for more adequate standards of review, for the means and the timing to accomplish the review. Most important, the process will require the consideration of natural features early in the process (at the Site

Design and Preliminary Plat Stage). It will also provide for the setting aside of areas for open space and for community facilities. This is increasingly important in view of the attitudes shown in the questionnaire and in view of the fact that future residents should pay for the capital part of additional services and facilities needed to accomodate them. Lastly, the generation of fees in the subdivision review process will allow the Planning Board to pay for itself and obtain the expert advice it needs to assist it in making recommendations and decisions.

The outline paper identified several policies for implementation by administrative action which were reworked and incorporated into the zoning ordinance or subdivision regulations. More specifically, the ordinances include measures to reduce loads on the Bypass, to retain vegetation on property, to provide beach access and dune protection. (The last two were a subject of concern to the joint Planning Group that met to discuss the changes in the Management Tools.) Features that would coordinate with State and Federal standards on wetlands, flooding and aquifer recharge areas were also added. (See policies under "Administrative Matters," 5 and 7; and policies from sections "Cooperation" and "Policies Not Requiring Local Action For Implementation.")

In terms of other Administrative Matters, Coastal Consultants, Ltd. prepared a grant application to D.N.R.C.D. for a Hurricane Evacuation Study to increase the capacity of the Thoroughfare System. This application called for the establishment of a Dare Beaches Committee -- a first step towards unification of the Dare beaches. The Committee's focus "SAFETY" and "INCREASING DEVELOPMENT WITHOUT INCREASING COST OR THE NEED FOR NEW FACILITIES" is a good theme or image for the Town.

A grant application should be made to study historic structures (Policy 8). Ozzie Gray, Town Administrator, will submit a proposal or implementing policy regarding paving streets, beach access and extending sewer lines. (Policies 3, 5, 7)

With the addition of an ordinance on ORV's and some suggestions on additions to the building code, the project is complete. (Several policies do not require implementation in a management system.)

II.

POLICIES AND IMPLEMENTATION FROM THE KILL DEVIL HILLS LAND USE PLAN

The 1980 Kill Devil Hills Land Use Plan sets out the following policies and recommends the following implementation for those policies. (All policies have been grouped according to the management tool intended for implementation.)

Zoning

1. Policy: The Town desires to provide for a future housing mix which is approximately seventy-five percent single family and twenty-five percent motel units; middle densities (multi-family) will be largely discouraged.

Implementation: The Town will redraw zones permitting the above uses.

2. Policy: The Town is opposed to actions that would attempt to stabilize the beach. The Town is opposed to bulkheads, jetties, groins, and the like along the ocean front. The Town encourages motels to locate west of the beach road.

Implementation: The Town will amend its zoning ordinance to remove features requiring bulkheads along the ocean front. The Town will revise its zoning ordinance to allow new motels west of the beach road to curtail the continuation of the existing motel district along the ocean front.

3. Policy: The Town will retain its current fifty-foot height limitations for structures.

Implementation: No change in the zoning ordinance.

4. Policy: The Town opposes commercial cutting of the woods. The Town does not consider agriculture uses likely. The Town considers additional industrial development incompatible with other uses in the Town.

Implementation: Industrial uses will be further limited under redrawing of the zoning districts.

5. Policy: The Town . . . will attempt to provide more centralization (the commercial zone).

Implementation: The business district will be redrawn.

6. Policy: The Town is opposed to energy facilities, including pipelines, docking facilities, plants, and substations locating within the town. The Town is not opposed to the reasonable location of facilities necessary for the transmission of electricity for serving residents of the Outerbanks. However, the Town prefers transmission lines be placed underground.

Implementation: Remove energy facilities as a permitted use. Limit utility facilities as permitted uses in the zoning ordinance.

7. See policy on historic preservation.

Subdivision Regulations

1. Policy: (The Town) will limit development on soils determined to have limitations (for septic systems) within seventy-five feet of the Sound.

Implementation: Amend subdivision regulations to prohibit development within this zone.

Building Codes

No policies requiring changes under the building code are contemplated in the Land Use Plan.

Administrative Matters

1. Policy: The Town will support efforts begun by the Town of Nags Head aimed at providing mass transit for the beach communities on the northern Dare County Outerbanks.

Implementation: The Town will cooperate with Nags Head in finding funding sources. (This has already been undertaken.)

2. Policy: The Town supports the building of the Regional Waste Treatment Facility.

Implementation: The Town will investigate the methods of raising the funds necessary to construct the local collector system. The Town will submit a bond-raising proposal to referendum.

3. Policy: The Town will develop a policy concerning extensions of sewer lines within the town limits.

4. Policy: The Town requests the State and the Department of Transportation to plan, engineer, and build another bridge across the Currituck Sound. The Town requests the county to update its current hurricane evacuation plan to account for problems identified in the technical report to the Land Use Plan.

Implementation: The Town will draft letters requesting County and State to implement transportation plans and a hurricane evacuation plan. The Town will draft an ordinance for future use providing for a moratorium on development in the event that the transportation plan is not realized.

5. Policy: The Town supports the Thoroughfare Plan (1973) and requests the State implement the plan as soon as possible. (The Town will take such actions as necessary to increase the flow of traffic on the Bypass.)

Implementation: The Town will develop a street-paving policy which will place low priority on paving streets which are currently only on paper, which, when connected with the Bypass, would result in a diminution of traffic flow on the Bypass. The Town will request funding of the DOT Plan to six-lane the Bypass within the next ten years.

6. Policy: The Town will continue its policy of paving local roads when the majority of the people on the road or street are willing to pay fifty percent of the cost of the paving.

Implementation: None.

7. Policy: The Town will plan to provide adequate beach access facilities for the general public. More specifically, the Town will attempt to improve and maintain all beach access points within its jurisdiction within the next ten years. The Town will develop a plan to acquire any additional land needed for parking. The Town will work with Nags Head and private organizations, including Nature Conservatory, to develop jogging and walking paths and bikeways.

Implementation: The Town Administrator will investigate the adequacy of existing town property for use as parking in connection with beach access, both on the Ocean and Sound. He will prepare a schedule for improving beach access points for the next ten years. The Town will work with Nags Head on grantmanship leading to the funding of bikeways, jogging and walking paths.

8. Policy: The Town will study the older houses along the ocean front, with the consent of the owners, to determine if these houses could be nominated to the National Register. The Town will support the completion of studies currently pending with regard to the Lighthouse Station. The Town will notify the State Department of Natural Resources and Community Development in the event that it learns of discovery of items of archaeological or historical significance.

Implementation: A preliminary study will be undertaken by the Town within the next five years of beach front structures of likely historical significance. A historical district ordinance

will be prepared at that time. A draft memo will be prepared for notifying the State in the event that archaeologically important items are encountered.

9. Policy: The Town will support Federal and State programs. When necessary, the Town will assist these agencies in finding spoil sites in acquiring rights of ways, etc.

Implementation: The directives will be prepared by the Town Administrator as needed.

10. Policy: The Town will encourage the public to participate to the maximum extent possible the governing of the Town.

Implementation: The Town will continue to undertake efforts as it has in the past to notify the newspapers and mass media of its meetings.

Other Ordinances

No new or additional ordinances were contemplated by the Land Use Plan.

Cooperation on a Voluntary Basis

1. Policy: The Town encourages property owners to retain the natural woody condition of their property as a shelter for wild life and to prevent erosion.

Implementation: Cooperation.

Policies Implemented At State, Federal And Local Level.

(The Town adopted a number of policies which are implemented at the local, State and/or Federal level.)

1. Policy: The Town will protect the wetlands.

Implementation: AEC regulations concerning development in wetlands. AEC enforcement by Town and State.

2. Policy: The Town will assist in efforts of flood proofing of structures.

Implementation: Local flood hazard ordinance; cooperation with State and Federal flood insurance programs.

3. Policy: The Town favors restricting development adjacent to the fresh water pond.

Implementation: See AEC regulations concerning the fresh water policy.

4. Policy: The Town encourages the building and rebuilding of the dunes. The Town supports individual private land owners' decision towards dune plowing, provided such actions are not detrimental to property rights of adjacent land owners or to the public's right to the beach. The Town encourages the bulkheading of property along canal lots and adjacent to the Sound where such property is experiencing erosion and where natural barriers to erosion are limited or nonexistent.

Implementation: AEC regulations.

SECTION II

KILL DEVIL HILLS SUBDIVISION REGULATIONS

KILL DEVIL HILLS:
SUBDIVISION REGULATIONS

ARTICLE I
GENERAL PROVISIONS

101. Title

This ordinance shall be known and may be referred to as the Subdivision Regulations for Kill Devil Hills, North Carolina, and may be referred to as the Subdivision Regulations.

102. Purpose

This Ordinance is designed to provide for the orderly development of the Town; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and other public facilities; for the dedication or reservation of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in order to avoid congestion and overcrowding and create conditions essential to public health, safety and the general welfare. This Ordinance is designed to further facilitate adequate provisions for water, sewerage, parks, and playgrounds, and also to facilitate the further resubdivision of larger tracts into smaller parcels of land.

103. Authority

This Ordinance is adopted under the authority of Chapter 160A, Article 19, Part 2. of the General Statutes of North Carolina.

104. Jurisdiction

The regulations contained herein shall govern each and every subdivision of land within the jurisdiction of Kill Devil Hills.

110. Penalties for Violation

After the effective date of this Ordinance, any person who, being the owner or agent of the owner of any land located within the territorial

jurisdiction of this Ordinance, thereafter subdivides his land in violation of this Ordinance or transfers or sells land by reference to, exhibition, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this Ordinance and recorded in the Office of the Dare County Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town, through its attorney or other official designated by the Town Council, shall enjoin illegal subdivision, transfer, or sale of land by action for injunction. Further violators of this Ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4.

111. Recordation of Plats

The Register of Deeds shall not, after the effective date of this Ordinance, record a plat of a subdivision or land lying within the jurisdiction of this Ordinance that has not been approved in accordance with the provisions contained herein; nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with the provisions or intent of this Ordinance.

112. Amendments

The Town Council may from time to time amend the terms of this Ordinance, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board, from date of notice, shall have thirty (30) days within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have approved the amendment.

113. Abrogation

It is not intended that this Ordinance repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

114. Separability

Should any section or provision of this Ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such a decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

120. No Services Until Final Plat Approved

No street shall be maintained by the Town nor street dedication accepted for ownership and maintenance, no construction permits shall be issued, nor shall water, sewer or other municipal facilities or services be extended to or connected with any subdivision for which a plat is required to be approved unless and until such final plat has been approved by the Town.

130. Variances

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this Ordinance would cause an unnecessary hardship, the Town Council may, on recommendation of the Planning Board, authorize a variance to the terms of this Ordinance only to the extent that is absolutely necessary and not to an extent which would violate the intent of the ordinance. Conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable, generally, to other property.

ARTICLE II

PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

201. General

No final plat of a subdivision within the jurisdiction of Kill Devil Hills as established in Article I of this Ordinance shall be recorded by the Register of Deeds of Dare County until it has been approved by the Town Council as provided herein. To secure such approval of a final plat, the subdivider shall follow the procedures established in this section.

211. Sketch Design Plan

If the land to be subdivided contains more than five (5) acres, the subdivider shall submit a sketch plan prior to submitting a preliminary plat. Smaller subdivisions may be submitted in sketch plan form if the developer wishes. Sketch plans shall conform to the following requirements:

(a) Number of Copies and Graphic Media

A minimum of two (2) copies of a sketch design plan shall be submitted. No specific graphic media must be employed.

(b) Size of Plan and Scale

No specific size requirements apply to sketch design plans; it is suggested that the requirements applicable to preliminary and final plats be utilized.

(c) Administrative Fees

No administrative fees are charged in connection with the submission of sketch design plans.

(d) Certification Required

No certificates must be provided in connection with the submission of sketch design plans.

(e) Contents Required

The sketch design plan shall depict or contain the following information:

- (1) A sketch vicinity map showing the location of the subdivision in relation to the neighboring tracts, subdivisions, roads, and waterways;
- (2) The boundaries of the tract and the portion of the tract to be subdivided; the total acreage of the tract to be subdivided;
- (3) A topographical map showing elevations in 2 ft. contours; and also roughly depicting water, wetlands and significant vegetation;
- (4) The existing and proposed uses of the land within the subdivision and adjoining it;
- (5) The proposed street layout;
- (6) The name, address and telephone number of the owner;
- (7) Streets and lots of adjacent developed or platted properties;
- (8) The zoning classification(s) of the tract and of adjacent properties.

(f) Review Procedure

The Planning Board shall review the sketch design plan for general compliance with the requirements of this ordinance and the zoning ordinance; the Planning Board shall advise, within 14 days, the subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary and final plats. This review shall in no way be construed as constituting an official action of approval for recording of the subdivision by the Planning Board or Town Council as required by this Ordinance.

(g) Disposition of Copies

One copy shall be retained as a part of the minutes of the Planning Board with the other copy being returned to the subdivider or his authorized agent.

221. Preliminary Plat

A preliminary plat shall be submitted to the Planning Board, at least twenty-one (21) days prior to a regular meeting of the Planning Board, for every subdivision of land which is located within the territorial jurisdiction of the Town.

(a) Number of Copies and Graphic Media

Nine (9) copies of the preliminary plat shall be submitted; no specific graphic media must be employed.

(b) Size of Plat and Scale

No specific size requirements apply to preliminary plats. Preliminary plats may be prepared at a scale of one (1) inch equals two hundred (200) feet, or greater.

(c) Administrative Fees

Submission of the preliminary plat shall be accompanied by a fee to cover the costs of review. This fee shall be based on the maximum number of lots allowable under this Ordinance at \$25/lot, or \$100, whichever is greater.

(d) Certifications Required

No certifications must be provided in connection with the submission of preliminary plats.

(3) Contents Required

The preliminary plat shall depict or contain the following information; plats not illustrating or containing the following data shall be returned to the subdivider, or his authorized agent for completion and resubmission:

- (1) The proposed name of the subdivision;
- (2) A sketch vicinity map showing the relationship between the proposed subdivision and the surrounding area at a scale of one (1) inch equals four hundred (400) feet;
- (3) The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented, with all bearings and distances shown;
- (4) Scale denoted both graphically and numerically;
- (5) North arrow and declination;
- (6) The plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, illustrating connections to existing systems. Plans for water supply and/or sewage disposal must be accompanied by letters of preliminary approval by the appropriate county and state authorities. Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains, and gate valves, and shall include profiles based upon Mean Sea Level data for sanitary sewers and storm sewers;
- (7) Proposed street names;
- (8) The zoning classification(s) of the tract to be subdivided and adjoining properties;

- (9) Proposed location and size of parks, school sites, or other recreational or open spaces, if any, and their future ownership (dedication for public use to governmental body, for owners to duly constituted homeowners or community association, or for tenants remaining in subdivider's ownership);
- (10) Site calculations, including:
 - (1) acreage in total tract to be subdivided
 - (2) acreage in parks and other nonresidential use
 - (3) total number of parcels created
 - (4) linear feet in streets;
- (11) Proposed minimum building setback lines;
- (12) The names of owners of adjoining properties and any adjoining subdivisions of record (or proposed and under review);
- (13) Any proposed riding trails, natural buffers, pedestrian, bicycle, or other rights-of-way, utility or other easements, their location, width, and purposes;
- (14) Proposed streets, existing and platted streets on adjoining properties and in the proposed subdivision, rights-of-way, pavement widths, approximate grades, design engineering data for all corners and curves, and typical street cross sections. If any street is proposed to intersect with a State Maintained road, the plat shall be accompanied by an application for driveway approval as required by the Department of Transportation, Division of Highways' Manual on Driveway Regulations;
- (15) Proposed canals. Connection with existing canals. A plan addressing the maintenance of the canal from aspects of erosion, water quality and navigation. Plan must indicate bulkheading plans, dredging plans and the like. Plan must be accompanied by appropriate letters of preliminary approval by State and Federal officials;
- (16) Existing and proposed property lines, both on the tract to be subdivided and on adjoining properties, buildings, or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and on the land immediately adjoining; corporate limits, township boundaries, and county lines;
- (17) Proposed lot lines, block letters and lot numbers, and approximate dimensions;
- (18) Wooded areas, marshes, swamps, dunes (at elevations above 20 ft.), ponds or lakes, streams or stream beds, and any other natural features affecting the sites (these maps may be shown through a plastic or acetate overlay on the original, with paper copies);

- (19) The preliminary plat shall be accompanied by a copy of any proposed deed restrictions or similar covenants (mandatory when private recreation areas are established);
- (20) Date of plat preparation;
- (21) The name(s) of the township(s), county and state in which the subdivision is located;
- (22) The name(s), address(es), and telephone number(s) of the owner(s), registered surveyor(s), and land planner(s), architect(s), landscape architect(s), and professional engineer(s) responsible for the subdivision.

(f) Review Procedure

- (1) The Planning Board shall review and take action on each preliminary plat within thirty (30) days after first consideration by the Planning Board. First consideration shall be at the next regularly scheduled meeting of the Planning Board that follows at least twenty-one (21) days after the plat is submitted. Before taking final action on the plat the Planning Board shall refer copies of the plat and any accompanying material to those public officials and agencies concerned with new development, including, but not limited to Code Enforcement Officer, Dare County Health Department, The District Engineer of the NC-DOT, Division of Highways (four copies), Dare County Soil Conservation Service Office.
- (2) During its review of the preliminary plat, the Planning Board may appoint or retain a planning firm to review the proposal and to make recommendations.

(g) Disposition of Copies

If the plat is approved, approval shall be noted on at least three (3) copies of the plat by the Planning Board Secretary. One copy shall be transmitted to the Town Clerk who shall retain it for public examination, one copy shall be returned to the subdivider and one copy shall be retained by the Planning Board.

If the preliminary plat is disapproved, the Planning Board shall specify the reasons for such action in writing. One copy of such reasons shall be retained by the Planning Board, one copy shall be given to the subdivider, and one copy shall be transmitted to the Town Clerk. If the preliminary plat is disapproved, the subdivision may make the recommended changes and submit a revised preliminary plat, or appeal the decision to the Town Council.

231. Final Plat

(a) Improvements Installation or Guarantees

Upon approval of the preliminary plat by the Planning Board, the subdivider may proceed with the preparation of the final plat, and the installation or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this Ordinance. No final plat shall be approved unless and until the subdivider shall have installed all improvements depicted on the final plat required by this Ordinance or shall have guaranteed their installation as set out in (b) (c) (d) below.

(b) Performance Guarantee

In lieu of prior construction of the improvements required by this Ordinance the Town of Kill Devil Hills shall, for the purpose of approving a final plat, accept a guarantee from the subdivider that such improvements will be carried out according to the Town's specifications at his expense. Such a guarantee may be in the form of:

(1) a surety bond made by a surety company licensed to do business in North Carolina; (2) certified check or cash deposited in a joint savings account with the Town Clerk, Town of Kill Devil Hills. As a percentage of the project is completed, the Town may agree to release a portion of the bond reflecting work satisfactorily completed; (3) a "Letter of Credit" from a lending institution that specifies a limit of credit which will be extended to a developer upon request. Such guarantees shall be in an amount of not less than 110% nor more than 125% of the estimated cost of the construction of the required improvements. This amount shall be determined by the Town Council. (Performance guarantees shall run for a period of one year and may be renewed once for a period of one year upon written approval from the Town Council.)

(c) Defects Guarantee

The Town Council may require a bond guaranteeing utility taps, curbs, gutters, street pavement, sidewalks, drainage facilities, water and sewer lines, and other improvements against defects for one year. This bond shall be in the amount determined by the Director of Public Works or Consulting Engineer and shall be in cash or be made by a surety company authorized to do business in North Carolina.

(d) Maintenance Guarantee

The Town Clerk shall secure from all subdividers a letter in which said subdivider shall agree to maintain the backfill and any improvements located thereon and therein and any ditch which has been dug in connection with the installation of such improvements. Such a letter shall be binding on the subdivider for a period of one year after the acceptance of such improvements by the Town.

(e) Final Plat Review Contingent Upon Execution of Guarantees

No final plat will be accepted for review by the Planning Board or Town Council unless accompanied by written notice by the Code Enforcement Officer acknowledging compliance with this Ordinance.

(f) The Final Plat

The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at the time; such portion shall conform to all requirements of this Ordinance.

(g) Plat Submitted

The subdivider shall submit the final plat, so marked, to the Chairman of the Planning Board or his designee not less than twenty-one (21) days prior to the Planning Board meeting, at which it will be considered for approval; further, the plat shall be submitted not more than twelve (12) months after the date on which the preliminary plat was approved, otherwise such approval shall be null and void unless a written extension of this time limit is granted by the Planning Board.

(h) Plat Prepared

The final plat shall be prepared by a surveyor or professional engineer licensed to practice in the State of North Carolina. The final plat shall substantially conform to the preliminary plat as it was approved. The final plat shall conform to the provisions of Section 47-30 of the General Statutes of North Carolina.

(i) Number of Copies and Graphic Media

Five (5) copies of the final plat shall be submitted; two (2) of these shall be drawn in ink on linen or film suitable for reproduction; three (3) shall be black or blue linen paper prints.

(j) Size of Plat and Scale

Final plats may have an outside marginal size of not more than twenty-one (21) inches by thirty (30) inches nor less than eight and one-half (8½) inches by eleven (11) inches, including one and one-half (1½) inch border on each of the other sides. Where size of land areas or suitable scale to assure legibility require, maps may be placed on two or more sheets with appropriate match lines. Final plats shall be drawn at a scale of one (1) inch equals two hundred (200) feet, or greater.

(k) Administrative Fees

No administrative fees shall be charged in addition to those charges for the preliminary plat.

(1) Certification Required

The following signed certificates shall appear on all copies of the final plat which are submitted to the Planning Board by the Subdivider:

- (1) Certificate of Ownership and Dedication. I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Kill Devil Hills and that I hereby adopt this plan of subdivision with my free consent, established minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all sanitary sewer, storm sewer and water lines to the Town of Kill Devil Hills.

Date

Owner(s)

- (2) Certification of Approval of Water Supply and Sewage Disposal Systems. I hereby certify that the water supply and sewage disposal systems installed, or proposed for installation in _____ Subdivision meet necessary public health requirements and are hereby approved.

Date

County Health Officer
or his Authorized Representative

Certificate (2) above is not required for subdivisions which are connected, or will be connected, to existing publicly owned and operated water supply and sewage disposal systems.

- (3) Certificate of Survey and Accuracy. I, _____, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed, description recorded in Book _____, Page _____, Book _____, Page _____, etc.) (Other); that the error of closure as calculated by latitudes and departures is 1: _____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____; that this map was prepared in accordance with G. S. 74-30 as amended. Witness my hand and seal this _____ day of _____, A.D., 19____.

Registered Surveyor or Professional
Engineer

License or Registration Number

- (4) Certificate of Approval of the Design and Installation of Streets, Utilities, and other Required Improvements. I hereby certify that all streets, utilities and other required improvements have been installed in an acceptable manner and according to Town of Kill Devil Hills specifications and standards in the _____ Subdivision or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the Town of Kill Devil Hills has been received and that the filing fee for this plat has been paid.

(Code Enforcement Officer)

- (5) Certificate of Compliance with Standards for Areas of Environmental Concern. I hereby certify that this subdivision conforms to the standards of the North Carolina Coastal Area Management Act of 1974 and that any portion of the subdivision located within an Area of Environmental concern is duly noted at the appropriate location of this plat. In the event that no notation is made, I certify that no part of this subdivision is located within an area of environmental concern.

Local Permit Officer for CAMA

(m) Contents Required

The final plat shall depict or contain the following information; plat not illustrating or containing the following information shall be returned to the subdivider or his authorized agent for completion and resubmission.

- (1) The name of the subdivision;
- (2) The exact boundary lines of the tract to be subdivided fully dimensioned by lengths and bearings, and the location of intersecting boundary lines of adjoining lands;
- (3) Scale denoted both graphically and numerically;
- (4) The plans for utility layouts, including sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, illustrating connections to existing systems or plans for individual water supply systems and/or plans for individual water supply systems and/or sewage disposal systems. Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains, and gate valves.
- (5) Street names;
- (6) The location, purpose, and dimensions of areas to be used for purposes other than residential;
- (7) Minimum building setback lines;
- (8) The name of owners of adjoining properties and any adjoining subdivisions of record (or proposed and under review);
- (9) The location and dimensions of all rights-of-way, utility or other easements, riding trails, natural buffers, pedestrian or bicycle paths, and areas to be dedicated to public use with the purpose of each stated;

- (10) Right-of-way lines, and pavement widths of all streets and the location and width of all adjacent streets and easements;
- (11) Property lines, buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and on the land immediately adjoining corporate limits, township boundaries, and county lines;
- (12) Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and set back line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute;
- (13) The accurate locations and descriptions of all monuments, markers, and control points;
- (14) The blocks lettered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block with appropriate street number identification for each lot;
- (15) The deed restrictions or any other similar covenants proposed for the subdivision, if any;
- (16) The date of the survey and plat preparation;
- (17) North arrow and declination;
- (18) All certifications as required by this Ordinance; (see 231(L)).
- (19) The name(s) of the township(s), county(ies), and state in which the subdivision is located.
- (20) The name(s), address(es), and telephone number(s) of the owner(s), registered surveyor(s), land planner(s), architect(s), landscape architect(s), and professional engineer(s) responsible for the subdivision and the registration number(s) and seal(s) of the professional engineer(s) and registered surveyor(s).
- (21) Any other information considered by either the subdivider or the Planning Board to be pertinent to the review of the final plat.

(n) Review Procedure

Final plats shall be reviewed according to the following procedure:

- (1) Planning Board Review - The Planning Board shall approve

or disapprove the final plat within thirty (30) days of its first consideration.

During its review of the final plat, the Planning Board may appoint an engineer or surveyor to confirm the accuracy of the final plat. If substantial errors are found, in the opinion of the Planning Board, the costs shall be charged to the subdivider and the plat shall not be approved until such errors have been corrected.

If the Planning Board approves the final plat, such approval shall be indicated on each copy of the plat by the following signed certificate:

Certification of Approval by the Planning Board

The Kill Devil Hills Planning Board hereby approves the final plat for the _____ Subdivision.

Date

Chairman Kill Devil Hills Planning Board

If the Planning Board disapproves the final plat, the Planning Board shall state in writing its reasons for such action, specifying the provisions of this ordinance with which the plat does not comply. One copy of this statement shall be transmitted to the subdivider within fifteen (15) days of disapproval; one copy shall be retained by the Planning Board as a part of its proceedings, and one copy shall be sent to the Town Clerk. If the final plat is disapproved, the subdivider may make such changes as will bring the plat into compliance with the provisions of this ordinance and resubmit same for reconsideration by the Planning Board.

If the Planning Board fails to approve or disapprove the final plat within thirty (30) days after first consideration, as previously stated, such failure shall be deemed approval and shall constitute grounds for the subdivider to apply for final approval by the Town Council.

- (2) Town Council Review - The Town Council approves the final plat, such approval shall be made at the next meeting and shall be shown on each copy of the plat by the following signed certificate.

Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for Kill Devil Hills, North Carolina, and that this plat has been approved by the Town Council for recording in the

Office of the Register of Deeds of Dare County.

Date

Town Clerk

If the final plat is disapproved by the Town Council, the reasons for such disapproval shall be stated in writing, specifying the provision(s) of this ordinance with which the final plat does not comply. One (1) copy of such reasons shall be retained by the Town Council as a part of its proceedings, one (1) copy shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance with this Ordinance and resubmit same for reconsideration by the Planning Board.

(o) Effect of Plat Approval on Dedication

The approval of a final plat shall be deemed to constitute or effect the acceptance by the Town of Kill Devil Hills of the dedication of streets, or right-of-way, public utility line, or other public utility line, or other public facility provided the improvements are constructed in accordance with policies, standards, and guidelines listed herein or adopted elsewhere by the Town Council.

(p) Disposition of Copies

If the final plat is approved by the Town Council, the original tracing and one (1) print of the plat shall be returned to the subdivider. One (1) reproducible tracing and one (1) print shall be filed with the Town Clerk; one (1) shall be retained by the Planning Board.

(q) Recording of the Final Plat

The subdivider shall file the approved final plat with the Register of Deeds of Dare County for recording within ninety (90) days after the date of Town Council approval; otherwise, such approval shall be null and void.

(r) Resubdivision Procedures

For any replatting or resubdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision. Lot sizes may, however, be varied on an approved plan after recording, provided that (a) no lot or tract of land shall be created or sold that is smaller than the size shown on the approved plan; (b) drainage, easements or right-of-way shall not be changed; (c) street alignment and block sizes shall not be changed; (d) the property line between the back of the lots shall not be changed; (e) the rear portion of lots shall not be subdivided from the front part; (f) the character of the area shall be maintained.

ARTICLE III

IMPROVEMENTS REQUIRED AND MINIMUM STANDARDS OF DESIGN

301. General

Each subdivision shall contain the following improvements:

Graded Streets & Lots

Storm Water Drainage

Central Water & Hydrants

Sanitary Sewer (as available)

Paved Streets

Underground Wiring

302. Flood Hazard Areas

Lands subject to flooding from rivers or storms as defined and mapped by the Federal Insurance Administration, HUD shall be so identified on the preliminary plat. Development of any of these areas so identified and any deed restrictions shall be in accordance with the Code of Federal Regulations, Title 24, Chapter X, Federal Insurance Administration, Section 1910.3.

Appropriate deed restrictions shall be filed for those lands subject to flooding, prohibiting their development for dwellings or other uses unless the sites are flood-proofed as follows:

- (1) No structure or fill shall be placed in the floodway which would interfere with the natural water course.
- (2) Streets and utility lines and structures may be placed within the flood plain only if their elevation is raised above maximum flood heights or they are otherwise floodproofed.
- (3) Dwellings and self-contained sewage disposal units (if used) shall be built at an elevation above maximum flood heights.
- (4) The subdivision drainage system shall be designed to prevent increased flood flows due to newly impervious surfaces and other factors.

303. Wetlands

The limited ability to site a structure in or near wetlands is reflected in the large lot sizes required for lands in these districts of the Zoning Ordinance. Lots designated in wetlands should have some buildable area on which a structure could be sited and access. Fill is not allowed in wetland areas, except as permitted by State or Federal permit.

304. Erosion

Lots containing slopes of greater than 15% shall not be used for development. Cut and fill shall be limited to an area constituting less than 50% of the site. Erosion control measures shall be adopted as required by the Sedimentation Pollution Control Act of 1973.

305. Vegetation

Significant strands of trees are to be preserved. However, where the entire lot is wooded, development shall retain as much significant vegetation as practical.

306. Dedications

Each new tract subdivided and developed adds a burden to local facilities and services, especially open space and park lands and community facilities, such as schools, fire and police. Any subdivision involving more than 5 acres of land shall dedicate for public use the following:

- (a) 5% of total land area for Open Space uses, particularly recreational uses. Open space lands should be reasonably accessible to the majority of the platted lots.
- (b) 5% of total land area for community facilities, schools, fire, police, etc.
- (c) Fee In Lieu of Dedication. In lieu of a dedication of land for open space and/or community facilities, the developer may make a payment to the Town of Kill Devil Hills of an amount of money equal in value to the land as it would be appraised immediately following its subdivision. In the event the Planning Board determines that the land that would be dedicated for community facilities would not be practically usable in that manner, it may require a fee instead of a dedication. Fees received in lieu of dedication shall be held in trust by the Town until such time as a site for the additional community facility is identified and its acquisition and/or development contracted for.

307. Storm Water Drainage

The subdivider shall provide an adequate drainage system for the proper drainage of all surface water.

- (a) No surface water shall be channelled or directed into a sanitary sewer.
- (b) Where feasible, the subdivider shall connect to an existing storm drainage system.
- (c) Where an existing storm drainage system cannot be feasibly extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.
- (d) Surface drainage courses shall have side slopes of at least three (3) feet of horizontal distance for each one (1) foot of vertical drainage and courses shall be of sufficient size to accomodate the drainage area without flooding.
- (e) The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each three hundred (300) feet of horizontal distance.

308. Water and Sewerage Systems

The preliminary subdivision plat must be accompanied by satisfactory evidence as to the proposed method and system of water supply and sanitary sewage collection and disposal.

- (a) Where the system is to be connected to the system owned and operated by the Town, or sanitary district, but not constructed by the municipalities or the County, the preliminary subdivision plat shall be accompanied by a complete set of construction plans for the proposed system, prepared by a registered engineer, and approved by the engineer of the public sewer system or public water system, and the appropriate State agency. Water supply systems should be approved by the Fire Department as to location of hydrants and size of mains. No mains shall be less than six (6) inches inside diameter.
- (b) Where the proposed system does not contemplate the use of facilities owned and operated by any of the above, the proposed facilities shall be approved by the appropriate agency.
- (c) Where public or community water supply and/or sewerage systems are not available or to be provided, a written statement from the Dare County Health Department shall be submitted with the preliminary plat indicating that each lot has adequate land area and soil condition suitable to accommodate the proposed methods of water supply and sewage disposal. The statement from the health department shall be based upon a field

investigation. The field investigation for sewage disposal shall include three percolation tests in the exact area that nitrification fields will be installed to determine the depth of the groundwater table, and the presence of rock formations or other impervious strata.

- (d) New water and sewer systems shall be designed, located and constructed to eliminate or minimize flood damage and infiltration of flood waters.

309. Streets

(a) Coordination and Continuation of Streets

The proposed street layout within a subdivision shall be coordinated with the existing street system of the surrounding area and where possible, existing principal streets shall be extended.

(b) Access to Adjacent Properties

Where, in the opinion of the Planning Board, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turn-around shall be provided.

(c) Private Streets

Private streets shall be prohibited within any platted subdivision with the exception of Planned Unit Developments (PUD) and operated by bonafied homeowners' association.

(d) Marginal Access Streets

Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider may be required to provide a marginal access paralleled to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the expressway.

(e) Street Names

Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the Planning Board, as outlined above.

(f) Collector and Minor Streets

Collector and minor streets shall be so laid out that their use by the through traffic will be discouraged.

(g) Street Design

The design of all streets and roads within the Jurisdiction of the Town of Kill Devil Hills shall be in accordance with the accepted policies of the North Carolina Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials' (AASHO) manuals. The provision of the street rights-of-way shall conform and meet the requirements of the thoroughfare plan for Kill Devil Hills as approved by Kill Devil Hills Planning Board and adopted by the Town Council and the North Carolina Department of Transportation, Division of Highways.

(h) Right-of-Way Widths

Except where development is by Planned Unit Development, right-of-way widths shall be not less than the following and shall apply except in those cases where right-of-way requirements have been specifically set out in the Kill Devil Hills Thoroughfare Plan.

Right-of-Way, ft.

Urban	
Minor thoroughfare	60
Local Street	60
Cul-de-sac	100' diameter for turn around

(i) Pavement Widths

Pavement widths or graded widths except in Planned Unit Developments shall be as follows:

	<u>Streets with curb and gutter (measured face-to-face of curb)</u>	<u>Streets without curb and gutter</u>
Minor Thoroughfare	34 feet	30 feet
Local Road	24 feet	20 feet
Marginal Access (Frontage)	24 feet	20 feet
Cul-de-sac	24 feet	20 feet
Cul-de-sac turn-around	80 ft. in diameter	80 ft. in dia.

(j) Roads and Street Surfaces

All subdivision streets and roads shall be constructed to meet the current requirements of the North Carolina Department of Transportation, Division of Highways' secondary roads plan of state maintenance.

(k) Tangents

A tangent of at least one-hundred (100) feet shall be provided between reverse curves on all streets.

(l) Street Intersections

Street intersections shall be laid out as follows:

- (1) All streets shall intersect as nearly as possible at right angles and no street shall intersect at less than sixty (60) degrees.
- (2) Intersections with a major street shall be at least one thousand (1,000) feet apart measured from centerline to centerline.
- (3) Where a centerline offset (job) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than one-hundred twenty-five (125) feet.
- (4) Property lines at street intersections shall be rounded with a minimum radius of twenty (20) feet. At an angle of intersection of less than ninety (90) degrees, a greater radius may be required.
- (5) Proper sight lines shall be maintained at all intersections of streets. There shall be a clear sight distance of one-hundred fifty (150) feet for major streets and seventy-five (75) feet for all other streets from the point of intersection as measured along the centerline. No building or obstruction shall be permitted in this area.

(m) Half Streets

The dedication of half streets of less than sixty (60) feet at the perimeter of a new subdivision shall be prohibited. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street must be furnished by the subdivider. Where there exists a half street in an adjoining subdivision, the remaining half shall be provided by the proposed development. However, a partial width right-of-way, not less than sixty (60) feet in width, may be dedicated when adjoining undeveloped property that is owned or controlled by the subdivider; provided that the width or a partial dedication will permit the installation of such facilities as may be necessary to serve abutting lots. When the said adjoining property is subdivided, the remainder of the full required right-of-way shall be dedicated.

(n) Cul-de-sacs

All dead-end streets shall not be less than 300 feet or more than 1000 in length unless necessitated by topography and shall be provided with a turn-around having the dimensions stated herein-before.

(o) Alleys

An alley may be provided to the rear of all lots used for other than residential purposes. Alleys are prohibited in residential blocks unless approved by the Planning Board. All alleys shall be designed in accordance with the Department of Transportation, Division of Highways' specifications and standards and shall meet the following requirements:

right-of-way width 20 feet
property line radius at alley intersection 15 feet
minimum centerline radius when deflection
angle or more than 10 degrees occurs 35 feet
minimum turn-around diameter of dead-end
alley (right-of-way width) 80 feet

(p) Geometric Characteristics

The standards outlined below shall apply all subdivision streets proposed for addition to the State Highway System or Municipal Street System. In cases where a subdivision is sought adjacent to a proposed thoroughfare corridor the requirements of dedication and reservation discussed under Right-of-Way shall apply.

- (1) Design Speed. The design speeds for subdivision-type streets shall be:

	Desirable	(Minimum)
Urban		
Minor Thoroughfares	55	(40)
Local Streets	35	(25)

- (2) Maximum and Minimum Grades. The maximum grades in percent shall be:

	55 Desirable (40 Minimum)	35 Desirable (25 Minimum)
Type of Topography		
Flat - NCDOT Divisions 1, 2, 3, 4, and 6	4 (5)	5 (6)

The minimum grade in no case shall be less than 0.5%
Grades for 100 feet each way from intersections should not exceed 5 percent.

(q) Minimum Sight Distances

In the interest of public safety, the minimum sight distance applicable shall be provided in every instance. Vertical curves that connect each change in grade shall be provided and calculated using the following parameters. (General Practice calls for vertical curves to be multiples of 100 feet. Calculated lengths should be rounded up in each case.)

Design Speed, MPH	30	40	50	60
Stopping Sight Distance				
Stopping distance, ft.	200	275	350	475
Min. K* value for:				
Crest Vertical Curve	28	55	85	160
Sag Vertical Curve	35	55	75	105
Passing Sight Distance				
Passing distance, ft., 2 lane	800	1300	1700	2000
Min. K* value for Crest				
Vertical Curve	190	510	870	1210

*K is a coefficient by which the algebraic difference in grade may be multiplied to determine the length in feet of the vertical curve that will provide minimum sight distance.

310. Design Standards for Blocks

(a) General

The lengths, widths, and shapes of blocks shall be determined with due regard to: Provisions of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements as to lot sizes and dimensions; needs for vehicular and pedestrian circulation, control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.

(b) Block Length

Blocks shall, where possible, be at least five hundred (500) feet but not more than one thousand-five hundred (1500) feet in length.

(c) Block Width

Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single-tier lots are required to separate residential development from through vehicular traffic or another type of use, or when abutting a water area.

(d) Pedestrian Crosswalks

Where deemed necessary by the Planning Board a pedestrian crosswalk at least five (5) feet in width may be required to provide convenient

public access to a public area such as a park or school or to a water area such as the Ocean or Sound.

311. Design Standards for Lots

(a) General

The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

(b) Subdivisions Subject to Zoning Ordinance District Regulations

Lots in subdivisions located within a district specified by the Zoning Ordinance shall meet and conform to all lot size, dimension, and building setback requirements of said zoning district.

In subdivisions located in areas covered by Zoning Ordinance regulations, lots laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated as determined by the Planning Board.

312. Design Standards for Easements (Other Than Beach Access)

(a) Utility Easements

Easements for underground utilities shall be provided where necessary across lots or preferably centered on rear or side lot lines and shall be at least ten (10) feet in width.

(b) Drainage Easements

Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose.

(c) Buffer Strips

A buffer strip at least 25 feet in width may be required by the Planning Board adjacent to a commercial or industrial development. This strip shall be in addition to the normally required lot dimension, shall be part of the platted lot, and shall be reserved for the planting of trees and shrubs by the owners.

3.3. Design Standards for Water Access Areas

All subdivisions adjoining water areas shall provide for public access to the water. Such access shall include a 30 foot easement every 1320 feet (1/4 mile) along the ocean shoreline adjacent to the subdivision. The purpose of these facilities is to serve

properties within the subdivision. Such facilities shall be approved and dedicated to the Town of Kill Devil Hills and shall be directly accessible to a State or City maintained street or road. Where a public boat dock or launching ramp is provided by the State, County, or any other agency within or contiguous to the area to be subdivided, such facility may count toward meeting the requirements of this Section.

314. Placement of Monuments

Unless otherwise specified by this Ordinance, the Manual of Practice for Land Surveying as adopted by the N.C. State Board of Registration for Professional Engineers and Land Surveyors, under provisions of Section 16, Chapter 89, of the General Statutes of North Carolina, shall apply when conducting surveys for subdivisions; to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivision. The Suburban Land Survey (Class B) criteria shall apply to all subdivisions in the Kill Devil Hills jurisdiction area except for commercial and industrial surveys.

315. Construction Procedures

(a) Commencement

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the appropriate authorities.

(b) Permits

No building, or other permits shall be issued for erection of a structure on any lot not on record at the time of adoption of this Ordinance until all the requirements of this Ordinance have been met.

(c) Access

The administrator of the Ordinance shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this Ordinance.

(d) Inspection

The Subdivided, prior to commencing any work within the subdivision, shall make arrangements with the Administrator of this Ordinance to provide for adequate inspection. The approving authorities having full jurisdiction or their representatives shall inspect and approve all completed work prior to release of the sureties.

(e) Erosion Control

The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected to comply with the provisions of Article VIII, Section 2.

(f) Existing Flora

The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices recommended by the U.S. Department of Agriculture in Agricultural Information Bulletin No. 285, Protecting Trees Against Damage from Construction Work, U. S. Government Printing Office, 1964. Such trees are to be preserved by well islands or retaining walls whenever abutting grades are altered. Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.

(g) Construction

Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.

316. Oversized Improvements

The Town of Kill Devil Hills may require installation of certain oversized facilities such as water mains in excess of 8" diameter, when it is in the interest of future development. The Town shall pay for that portion of the improvement which exceeds the standards set forth in this ordinance.

ARTICLE IV
PLANNED RESIDENTIAL DEVELOPMENTS
GROUP DEVELOPMENTS

401. General

Where topography or other existing physical conditions are such that compliance with the requirements of this Ordinance would cause an unusual and unnecessary hardship on the subdivider above and beyond what other subdividers would meet, the Town Council may vary the minimum requirements set forth herein, provided that such variation will have the effect of nullifying the interest and purpose of these regulations. Where a variation is accepted, the reasons for such shall be noted in the minutes of the Planning Board.

402. Exceptions for Planned Developments

The purpose of this Article is to provide desirable open space in commonly owned areas, tree cover, recreation area, scenic vistas, and variety in development by allowing certain variations in lot sizes and design requirements, and the establishment of townhouses and condominiums. In no case shall the overall density of dwelling units be greater than that permitted by the applicable zoning requirements. Subject to the approval of the Town Council the design standards as set forth in this Ordinance may be modified by the Planning Board in the case of a plan and program for a planned development which may consist of offices, institutions, stores, industries, townhouses and residences or any desirable combination of these establishments which meet the requirements of the Kill Devil Hills Zoning Ordinance. Proposed ownership of planned developments may be by one individual, partnership, corporation, cooperative, condominium or any desirable combination. A preliminary and final plat of a planned development shall be submitted pursuant to the provisions of this Article in conformity with the following:

(a) Common Areas

All planned developments shall contain commonly owned land equal in area to 20% of the entire development. Common areas shall not be less than 2 acres in size and shall be held in non-profit corporate ownership by the owners of lots within the development. In consideration of the purpose served by a planned development, the title to such common areas or property shall be preserved to the perpetual benefit of the private properties in the development and shall be restricted against private ownership for any other purpose. If the corporation desires, improvements may be made

within the common areas provided that maximum coverage of such improvement shall not exceed 25 percent of the entire common property. The developer shall submit and, after approval by the Town record a declaration of the covenants and restrictions that will govern the ownership, management and maintenance of the common areas.

(b) Density

Individual lot size may be varied, but the overall density of a planned development shall not exceed by more than 25% that permitted by the applicable zoning requirements. All remaining land not shown as lots shall be designated as common areas.

(c) North Carolina Unit Ownership Act

Before a declaration establishing a condominium or unit ownership development may be recorded, the declaration and plan shall be approved by the Planning Board and the Town Council as a preliminary and final plat.

(d) Site Plan

Site Plans for all planned development shall show the location of the buildings, streets, alleys, walks, parking areas, recreation areas, tree covers and planting. The site plan shall number and show the dimensions of all building sites and all streets and utility easements to be dedicated to the public. All areas on the site plan other than public streets, easements or private building sites shall be shown and designated as common areas.

(e) Landscape Plan

A landscape plan for all planned development shall show all existing and proposed plan material. The plan shall indicate the size and type of existing plant material and the size and type of plants to be planted.

(f) Public Access, Easements, and Private Party Walls

Building lots may abut or be provided with frontage on common areas, properly restricted through a property owner's association to assure adequate access, if in the opinion of the Town a public street is within an acceptable distance and would allow adequate community services. Easements over the common areas for access, ingress, and egress from and to public streets and walkways and easements for enjoyment of the common areas, as well as for parking, and shall be granted to each owner of a residential site. All common walls between individual residences shall be party walls and provisions for the maintenance thereof and restoration in the event of destruction or damage shall be established.

(g) Utilities and Improvements Required

All planned developments shall include public water and sewer utilities, sidewalks, paved streets and parking areas with curb and gutter, underground electric and telephone service, landscaping, and any other improvements considered necessary by the Town Council.

ARTICLE V
DEFINITIONS

501. Subdivision

For the purposes of this Ordinance the term "subdivision" shall mean all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale, or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in existing streets, but the following shall not be included within this definition nor be subject to the regulations established herein: (G.S. 160-376).

The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in its subdivision regulations;

The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;

The public acquisition by purchase of strips of land for the widening or opening of streets;

The division of a tract into single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in this Ordinance.

502. Additional Definitions

For the purpose of this Ordinance, certain words or terms used herein shall be defined as follows:

ALLEY - A minor right-of-way privately or publicly owned, primarily for service access to the back or side of properties.

BUILDING SETBACK LINE - A line parallel to the front property line in front of which no principal structure shall be erected.

DEDICATION - A gift, by the owner, of his property to another party without any consideration being given for the transfer. Since a transfer of property is involved, the dedication is made by written instrument and is completed with an acceptance.

DOUBLE FRONTAGE LOT - A continuous (through) lot which is accessible from both streets upon which it fronts.

EASEMENT - A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or a person.

LOT - A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development or both.

OFFICIAL MAPS OR PLANS - Any maps or plans officially adopted by the Town Council as a guide to the development of Kill Devil Hills.

OPEN SPACE - An area (land and/or water) generally lacking in man-made structures and reserved for enjoyment in its unaltered state.

PLANNED UNIT DEVELOPMENT - The planned unit development is a permitted use designed to provide for developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. Such development may consist of individual lots or common building sites. Common land must be an element of the plan related to the long-term value of the entire development.

PLAT - A map or plan of a parcel of land which is to be, or has been subdivided.

PRIVATE DRIVEWAY - A roadway serving two (2) or fewer lots, building sites or other division of land and not intended to be public ingress or egress.

PUBLIC SEWAGE DISPOSAL SYSTEM - A system serving two (2) or more dwelling units and approved by the Dare County Health Department and the North Carolina Department of Natural and Economic Resources, Environmental Management Division.

PUBLIC WATER SUPPLY - Any water supply furnishing potable water to ten or more residences or businesses, or combination of residences or businesses. Approval by the Sanitary Engineering Section, Health Service Division and Department of Human Resources is required.

RECREATION AREA OR PARK - An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various man-made features that accommodate such activities.

RESERVATION - A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

SINGLE-TIER LOT - A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

STREET - A dedicated and accepted public right-of-way for vehicular traffic. The following classifications shall apply:

Urban Streets

Minor Throughfares - Minor throughfares are important streets in the city system and perform the function of collecting traffic from local access streets and carrying it to the major throughfare system. Minor throughfares may be used to supplement the major throughfare system by facilitating a minor through-traffic movement and may also serve abutting property.

Local Street - A local street is any link not a higher order urban system and serves primarily to provide direct access to abutting land and access to higher systems. It offers the lowest level of mobility and through traffic is usually deliberately discouraged.

Cul-de-sac - A cul-de-sac is a short street having but one end open to traffic and the other end being permanently terminated and a vehicular turn around provided.

Frontage Road - A frontage road is a local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

Alley - A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

SUBDIVIDER - Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

403. Word Interpretation

For the purpose of this Ordinance, certain words shall be interpreted as follows:

The word "may" is permissive.

The words "shall" and "will" are mandatory.

The present tense includes the future tense and the future tense includes the present tense.

The singular includes the plural and the plural includes the singular.

EFFECTIVE DATE

This Ordinance shall become effective on _____.

SECTION III

KILL DEVIL HILLS ZONING ORDINANCE

ZONING ORDINANCE

Article 1. General Provisions

101 Purpose. In accordance with G.S. 153A-360 the purpose of this ordinance is to promote health, safety, morals, and the general welfare. These regulations are made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to prevent the overcrowding of land; to avoid undue concentration of population, and; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.

102 Title. This ordinance shall be known as the "Kill Devil Hills Zoning Ordinance," and the map herein referred to, which is identified by the title "Kill Devil Hills Zoning Map" shall be known and may be cited as such.

103. Scope of Ordinance. An ordinance regulating and restricting the height, number of stories, size of buildings and other structures, the percentage of the lot that may be occupied, the size of yards, courts and other open space, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence or other purposes: creating districts for said purposes and establishing the boundaries thereof: defining certain terms used herein: providing for the method of administration and

amendment, for a Board of Adjustment and for the imposition of penalties for violation.

104. Affected Territory. This ordinance shall apply to all land within the town of Kill Devil Hills.

121. Classes of Districts. For the purpose of this ordinance the effected territory as described in 104 above is divided into the following zoning districts, as indicated on the official zoning map which is part of this ordinance. Within these districts the erection, construction, reconstruction, alteration, repair, and use of buildings, structures and land are regulated and restricted according to the provisions of this ordinance.

- (1) OC - Oceanfront Commercial
- (2) OR - Oceanfront Residential
- (3) BR C - Beach Road Commercial
- (4) BR CR - Beach Road Commercial - Residential
- (5) BY C - Bypass Commercial
- (6) BY R - Bypass Residential
- (7) CC - Community Commercial
- (8) SS C - Soundside Commercial
- (9) SS R I - Soundside Residential I
- (10) SS R II - Soundside Residential II
- (11) I - Industrial
- (12) MH - Mobile Home
- (13) MDR - Moderate Density Residential
- (14) LDR - Low Density Residential
- (15) FAS - Fragile Area: Steep Slopes
- (16) FAAR - Fragile Area: Aquifer Recharge

(17) FAW - Fragile Area: Wetlands

122. Boundaries of Districts. The boundaries of each zoning district are hereby established as shown on the map entitled "Kill Devil Hills Zoning Map." Unless otherwise shown on said map, the boundaries of the district are street centerlines, or lot lines existing at the time of the establishment of the district boundary, or approximate lines reflecting the absence or presence of certain natural features or qualities, such as wetlands, dunes, aquifer recharge areas, forests, water bodies and soils not suitable for septic systems, or a set distance from any of the above.

(a) Where there is difficulty in establishing a boundary, the location of the boundary shall be determined by the use of the scale appearing on the map. In the event of further uncertainty the Board of Adjustment shall interpret the intent of the map as to the location of the district boundaries.

(b) Where a boundary line divides a tract or lot, each part of the lot shall be used in conformity with the zoning district in which the part is located. Where the lot is platted so that further subdivision is unreasonable for the use of the lot, the proper remedy is for a granting of a variance (provided that the lot is not created after the enactment of this zoning ordinance).

131. Zoning Affects Every Building and Use. Unless excepted in 104 above, no building shall be erected, reconstructed, or structurally altered, nor shall any building or land be used, except in compliance with all the regulations established by this ordinance for the district in which the building or land is located.

132 Open Space Not To Be Encroached Upon. The minimum yards or other spaces or off-street parking or loading space required by this ordinance, including provisions regulating the intensity of use, for each and every building hereafter erected or structurally altered shall not be encroached upon or considered as meeting the yard or open space requirements for any other building.

133 Every Lot Must Abut A Street or Road. No building, structure, or use of land shall be established on a lot which does not abut a dedicated street or road.

134 One Principal Building Per Lot. Not more than one principal building shall be constructed on any lot except under the provisions dealing with special uses.

135 Location of Buildings on Irregularly Shaped Lots. The locations of front, side and rear building lines on irregularly shaped lots shall be determined by the Zoning Officer for Kill Devil Hills. Such determinations shall be based on the spirit and intent of the district regulations.

136 Mixed Uses. When two or more uses occupy the same building, the greatest yard requirements applicable to any such uses in the district in which the lot is located shall apply to such buildings.

137 Fractional Requirements. When any requirement of this ordinance results in a fraction of a unit, the fraction shall be disregarded.

138 Land Underwater. Land that is submerged or regularly under water or intended in the immediate future to be in such condition shall

not be included in the area of any lot or parcel of land for purpose of meeting minimum square footage of a lot.

141 AECs. All uses shall comply with State requirements for areas of environmental concern.

Prior to the issuance of any initial zoning permit, zoning change permit, or conditional use permit, the zoning administrator and local AEC Permit Officer shall determine whether the proposed use or structure is located within an area of environmental concern. This determination shall result from both an on-site investigation and a review of the official AEC overlay map. If the proposed use or structure is located in an area of environmental concern, the zoning administrator and local AEC Permit officer shall certify that the proposed use or structure complies with development standards of the State Guidelines for Areas of Environmental Concern prior to issuing any zoning permit.

Article 2. Regulations and Restrictions
for Districts

201 OC - Oceanfront Commercial District.

(a) General description and purpose of this district. The beachfront is a natural hazard area subject to storms, wave and wind damage, and flooding. Motel and commercial development have historically occurred in this area in response to the public's demand to be near the ocean when at the beach. Public access to the beach is highly valued and amply provided by this type of development. However, the increasing use of the oceanfront for commercial development may pose a safety hazard to users of the property and other residents of the Town, may lead to a loss of the public beach, may result in public expenditures to protect these private investments. The Town desires to make dynamic plans for this zone. Therefore, protection of this type use is provided for a limited period of time; this ordinance will gradually provide for the western movement of this district.

(b) Permitted Uses.

- (1) Motels
- (2) Restaurants
- (3) Fishing Piers
- (4) Entertainment Enterprises
- (5) Parking Areas

(c) Special Uses.

- (1) Outdoor recreation activities

(d) Dimensional Requirements. See chart § 250.

(e) Exempted.

(1) Existing non-conforming structures and lots are exempted from the provisions of (d) in this article until the year 2000. It is the Town's intent to discontinue motels as a permitted use in this zone in the year 2010. Uses not conforming with provision (b) above are exempted.

(f) Natural Feature Requirements. No structure shall be allowed to encroach into the area described and designated as the frontal dune. The frontal dune shall not be disturbed except to the extent necessary to build a walkway over them or to enhance their vegetation. Lot owners are required to maintain the integrity of the frontal dune system. The frontal dune system on each lot is required to be continuous with that of the adjoining lot. Where dunes have been destroyed or damaged, or are no longer in existence, they shall be constructed or rebuilt within a reasonable period of time through the use of fill and/or sand fencing and revegetation. Such time not to exceed three years from the effective date of this ordinance.

202 OR - Oceanfront Residential District.

(a) General description and purpose of this district. The hazards of living in this zone are set forth in Section 201. Residential use of this zone offers few benefits to the general public. This section contains numerous structures of present or potential historic value which should be preserved in their present condition until it may be necessary to provide for their relocation.

(b) Permitted Uses.

(1) Single family dwellings

(2) Parking areas

(c) Special Uses.

(d) Dimensional Requirements. (See § 250)

(e) Exempted. Currently existing non-conforming structures and uses are exempted. Where lots currently do not meet minimum requirements of this section, they are exempted as non-conforming provided adjoining lots were not in the same ownership as of June 30, 1981.

(f) Natural Features Requirement.

Same as § 201 (f)

203 BR C - Beachroad Commercial.

(a) General Description and Purpose of This District. The area constituting this zone lies immediately west of the Virginia Dare Rd., commonly known as The Beach Road. This area is most suitable for receiving motel development in the next 30 years. Such a use would be marketable with curtailment of development along the oceanfront; it would balance the desire of the public to be near the beach with government's desire to protect lives and property and restrict the cost of services (be it hurricane protection or parking for beach access.)

(b) Permitted Uses

- (1) Motels
- (2) Restaurants
- (3) Entertainment Enterprises
- (4) Churches
- (5) Libraries
- (6) Hospitals, Clinics
- (7) Home Centers

(8) Parking Lots

(c) Special Uses.

(1) PUD. (all commercial)

(2) Outdoor recreation activities

(3) Waste treatment facilities

(d) Dimensional Requirements. (See § 250)

(e) Exempt. The following existing non-conforming uses are exempted from permitted use requirements under this article until 2000: retail stores, quick food, banks, theatres, business and professional offices, small business establishments, single family dwellings.

(f) Special Feature Requirement. Where a lot abuts another lot that is zoned to allow for residential use or currently in that use, there shall be provided a vegetated buffer.

204 BR R - Beach Road Commercial - Residential.

(a) General Description and Purpose of This District. This zone lies west of the Virginia Dare Road, commonly known as The Beach Road. This area is most suitable for receiving single family and small business development during the next 30 years. Such development would complement or not be adverse to uses in the BR C district.

(b) Permitted Uses.

(1) Motels

(2) Restaurants

(3) Entertainment Enterprises

(4) Retail Stores

- (5) Quick Food
- (6) Banks
- (7) Theatres
- (8) Business and Professional Offices
- (9) Small Business Establishments
- (10) Single Family Dwellings
- (11) Parking Lots
- (12) Churches
- (13) Libraries
- (14) Hospitals or Clinics
- (15) Home Center
- (c) Special Uses.
 - (1) PUD
 - (2) Outdoor recreation activities
 - (3) Waste treatment facilities
- (d) Dimensional Requirements. (See § 250)
- (e) Exempt. (See general provision for non-conforming uses, structures or lots.)
- (f) Special Features Requirements. Where a lot abuts on another lot that is in the same district that is currently in residential use, a vegetated buffer shall be provided; furthermore a vegetated buffer shall be provided along the rear property line of all lots having commercial uses (being all uses in (b) above except single family dwellings).

205 BY C - Bypass Commercial District.

- (a) General Description and Purpose of This District.

The general purpose of this district is to recognize and allow for some commercial strip development along the Bypass, but to limit the adverse effects on the highway itself. This zone also recognizes the appropriateness of locating emergency services with ready access to the major thoroughfare.

(b) Permitted Uses.

- (1) Restaurants
- (2) Retail Stores
- (3) Quick Food
- (4) Banks
- (5) Business and Professional Offices
- (6) Small Business Establishments
- (7) Single Family Residences
- (8) Parking Lots
- (9) Municipal Offices and Buildings
- (10) Fire Stations, Rescue Squads, Ambulance Services,
Police Stations
- (11) Churches
- (12) Hospitals or Clinics
- (13) Libraries
- (14) Home Centers

(c) Special Uses.

- (1) Waste treatment facilities
- (2) PUD

(d) Dimensional Requirements. (See § 250)

(e) Exempt. (See non-conforming use provision).

(f) Special Features Requirements.

(1) Where driveway access to a street or road other than the Bypass is possible, access shall be to that street or road.

(2) Parking lots shall be designed to maximize rapid and easy exit from the Bypass.

(3) All structures shall be setback a minimum of 30 feet from the Bypass right of way.

206 BY R - Bypass Residential District.

(a) General Description and Purpose of This District. The general purpose of this district is to provide for residential uses in this area but to limit adverse effects which may occur to the highway system.

(b) Permitted Uses.

(1) Single family dwellings

(c) Special Uses.

(1) Waste treatment facilities

(2) PUD

(d) Dimensional Requirements. (See § 250)

(e) Exempt. (See non-conforming use provisions)

(f) Special Features Requirements.

(1) Where access to a street or road other than the Bypass exists, access shall be to that street or road.

(2) All structures shall be setback a minimum of 30 feet from the Bypass right of way.

207 CC - Community Commercial.

(a) General Description and Purpose of This District.

The Community Commercial District is designed to function as the major shopping areas for the Town. These areas have been designed to concentrate the shopping area and minimize conflicts from vehicular entrance to the Bypass.

(b) Permitted Uses.

- (1) Restaurants
- (2) Entertainment Enterprises
- (3) Retail Stores
- (4) Quick Food
- (5) Banks
- (6) Theatres
- (7) Business and Professional Offices
- (8) Small Business Establishments
- (9) Churches
- (10) Libraries
- (11) Hospitals and Clinics
- (12) Home Centers
- (13) Parking Lots

(c) Special Uses.

- (1) PUD (all commercial)

(d) Dimensional Requirements. (See § 250)

(e) Exempt. (See non-conforming use provisions).

208 SS C - Soundside Commercial.

(a) General Description and Purposes of This District. This district is designed to allow for the demands of business for soundside property, especially for those uses that are water dependent.

(b) Permitted Uses.

- (1) Marinas
- (2) Restaurants
- (3) Entertainment Enterprises
- (4) Fisheries, Fish Processing Facilities, Fishing Piers
- (5) Retail Stores that are water dependent
- (6) Boat construction and storage yards
- (7) Parking Lots

(c) Special Uses.

(1) Parking Areas. (Provided the surface of such lot is not impervious).

(2) PUDs

(d) Dimensional Requirements. (See § 250)

(e) Exempt. Existing parking areas with impervious surfaces are exempt until 1990. See other exemptions for non-conforming uses.

(f) Special Provisions Related to Proximity to Sound.

(1) No septic system, or part thereof, shall be placed within 75 feet of the Sound or any canal in or adjacent to this zone.

(2) Lots experiencing erosion in excess of 1 foot per year are required to be bulkheaded by 1990.

(3) 30% of the lot area within 100 feet of Sound must be vegetated.

209 SS R I - Soundside Residential I.

(a) General Description and Purpose of This District. The Sound is vitally important to the Town and region for commercial and sport uses, particularly fishing and netting. Pollution is from natural

and man-made sources. Two of the latter sources are septic system effluent and erosion. Some soils have a greater capacity for handling effluent than others. The area in this zone was determined to have less capacity in this regard than the land described in § 210. The lots in this district are in close proximity to the Sound.

(b) Permitted Uses.

(1) Single family dwellings

(c) Special Uses.

(1) Parking Lots

(2) PUDs

(d) Dimensional Requirements. (See § 250)

(e) Exempt. (See non-conforming use provisions.)

(f) Special Provisions Related to Proximity to Sound.

(1) No septic system, or part thereof, shall be placed within 75 feet of the Sound or any canal in or adjacent to this zone.

(2) Lots experiencing erosion in excess of 1 foot per year are required to be bulkheaded by 1990.

(3) 30% of the lot area within 100 feet of Sound must be vegetated.

210 SS R II - Soundside Residential II

(a) General Description and Purpose of This District. The area in this district is similar to s 209, except that the soils in this area have been determined to have a greater capacity for handling wastes from septic systems than those described in §209.

(b) Permitted Uses.

(1) Single family dwellings

(c) Special Uses.

(1) Parking Lots

(2) PUDs

(d) Dimensional Requirements. (See § 250)

(e) Exempt. (See non-conforming use provisions.)

(f) Special Provisions Related to Proximity to Sound.

(1) No septic system, or part thereof, shall be placed within 75 feet of the Sound or any canal in or adjacent to this zone.

(2) Lots experiencing erosion in excess of 1 foot per year are required to be bulkheaded by 1990.

(3) 30% of the lot area within 100 feet of Sound must be vegetated.

211 I - Industrial.

(a) General Description and Purpose of This District. This district is designed to allow for industrial demands of the community and to recognize extraction potential of certain areas in Town for mineral or resource extraction.

(b) Permitted Use.

(1) Processing of minerals extracted in Town.

(2) Transportation facilities related to industrial use.

(3) Storage yards

(4) Junk yards

(c) Special Use

(1) Mining

(d) Dimensional Requirements

(1) A vegetated buffer must be created between this use and

neighboring uses and zones.

212 MH - Mobile Homes District.

(a) The General Description and Purpose of This District. Because the Town constantly faces serious threats of storms with a high potential for flood and wind damage, structures that are not built to high construction standards, set above flood elevation and adequately tied down at the foundation are inherently dangerous. Mobile homes are commonly recognized as an inappropriate use on the barrier islands. Nevertheless, the lack of restrictions has resulted in many of these type structures being located within the Town. This zone attempts to continue past efforts to localize the area affected by this use and to gradually provide for the amortization and discontinuance of the use in the future.

(b) Permitted Uses.

- (1) Mobile Homes
- (2) Mobile Home Parks
- (3) Single family dwellings
- (4) Parking Lots

(c) Special Uses

- (1) PUD

(d) Dimensional Requirements. (See § 250)

(e) Exempt. (See non-conforming use provisions.)

(f) Special Provisions.

213 MDR - Moderate Density Residential.

(a) General Description and Purpose of This District. The purpose of this district is to provide an area where redevelopment is

desired at higher densities; and where existing densities are most compatible with this type development. Lot sizes in this area are generally extremely small, so that development even at 6 houses per acre has often required the combining of two or more lots. This area is appropriate for townhouse redevelopment. Development on this land has little adverse environmental consequences.

(b) Permitted Uses.

- (1) Single family dwellings
- (2) Townhouses and multi-family dwellings
- (3) Parking lots

(c) Special Use.

- (1) PUD

(d) Dimensional Requirements. (See § 250)

(e) Exempt. (See non-conforming use provision.)

214 LDR - Low Density Residential.

(a) General Description and Purpose of This District. The purpose of this district is to designate an area where single family dwellings currently predominate and where the continuance of that use considering factors such as current density of development, soil capabilities for filtering, and the absence of sensitive environmental features is appropriate.

(b) Permitted Uses.

- (1) Single family dwellings

(c) Special Use.

- (1) PUD

(d) Dimensional Requirements. (See § 250)

(e) Exempt. (See non-conforming use provisions.)

(f) Special

215 FAS - Fragile Area: Steep Slopes.

(a) General Description and Purpose of This District. The purpose of this district is to designate a general hazard area consisting of soundside dunes. These dunes vary in terms of size, vegetation, stability and migration. Even when stabilized these features present almost insurmountable problems for local government in that roads will crumble as the sand forming the base of the road shifts or moves. Structures in the path of migration may have to be moved or be buried.

(b) Permitted Uses.

(1) Single family dwellings

(c) Special Use.

(1) PUD

(d) Dimensional Requirements. (See § 250)

(e) Exempt. (See non-conforming use provisions.)

(f) Special Conditions.

(1) No trees or other vegetation shall be cut or removed unless the vegetation stands in a proposed right of way or the cut or removal is necessary to place a residential structure on the lot.

216 FAAR - Fragile Area: Aquifer Recharge.

(a) General Description and Purpose of This District. The fresh water ponds in the Town and the neighboring town of Nags Head together constitute the aquifer recharge for the back-up water system

for the two towns. In order to insure the water source is capable of future use for drinking and household purposes, development immediately adjacent to these areas will be limited to low density.

(b) Permitted Uses.

- (1) Single family dwellings

(c) Special Uses.

- (1) PUD

(d) Dimensional Requirements. (See § 250)

(e) Exempt. (See non-conforming use provisions.)

(f) Special Conditions.

(1) No trees or other vegetation shall be cut or removed unless the vegetation stands in a proposed right of way or the cut or removal is necessary to place a residential structure on the lot.

(2) All septic systems shall be located a minimum of 100 feet from the edge of the water.

217 FAW - Fragile Area: Wetlands.

(a) General Description and Purpose of This District. This district is typified by wetlands. Wetlands serve a valuable function in the ecosystem and are generally unsuitable for development. Those who own wetlands are encouraged to transfer their development to more developable tracts.

(b) Permitted Uses.

- (1) Single family dwellings.

(c) Special Uses.

- (1) PUD

(d) Dimensional Requirements. (See § 250)

(e) Exempt. (See non-conforming use provisions.)

(f) Special Features. Density Transfer.

(1) Any owner of land may elect to transfer his development density in this area to any other district not described as a fragile area. In the event of transfer, the transferer will be given the use of one additional dwelling unit per each five acres removed from future development, provided that the overall density of the new tract, lot, or parcel is not increased by more than 33%.

(2) No filling shall be allowed in this district.

(3) No septic systems shall be allowed in this district.

220 The following are permitted use in all districts:

- (a) Parks
- (b) Accessory buildings
- (c) Office in home

221 The following are not permitted in any district:

- (a) Campers

250 Dimensional Definitions and Requirements.

(a) Definitions. The following definitions state the space and distance requirements for a number of provisions set out in (b).

(1) FRONT SETBACK - Minimum distance required between structure and street or road right of way line.

(2) SIDE SETBACK - Minimum distance required between structure and lot lines running perpendicularly with street or road right of way line.

(3) REAR SETBACK - Minimum distance required between

structure and property line forming the rear of the property, this line being that line or boundary furthest from the street or road right of way.

(4) SETBACK FROM WATER - Minimum distance required between structure and mean high water in the case of ocean or sound and a typical daily measurement of water's edge during the months of March, April or May or an elevation of 10 feet above sea level, whichever is lower, in the case of water in fresh water ponds, included in an FAAR district.

(5) SETBACK FROM BYPASS - Minimum distance required between structure and right of way line on U.S. 158, also known as The Bypass.

(6) MAXIMUM PERCENTAGE OF COVER - Maximum percentage of land constituting the entire lot permitted to be in development uses.

(7) MINIMUM WIDTH - The minimum width of the lot as measured at the front setback line.

(8) MINIMUM LOT SIZE - The minimum size required for a lot as stated in square feet.

(9) MAXIMUM HEIGHT - (See definitions in Article 12).

See next page for

(b) Dimensional Requirements. The following dimensional definitions are applicable to the following districts.

250 (b)

DIMENSIONAL REQUIREMENTS

District	Side Setback	Front Setback	Rear Setback	Setback from Water	Maximum Height	Minimum Lot Width	Maximum % of Cover	Minimum Lot Size in sq. ft.
OC	8	15	--	60	50	50	65 ¹	40,000
OR	8	10	--	60	35	50	50	10,000
BR C	8	30	10	0	50	50	65 ²	20,000
BR CR	8	30 ⁴	10	0	35	50	50 ²	10,000
BY C	8	30 ⁴	10	0	35	100	65	20,000
BY R	8	30	10	0	35	100	50	10,000
CC	8	30	10	0	50	50	--	10,000
SS C	8	30	--	30 ³	35	75	30	20,000
SS R I	8	10	--	30	35	75	15	20,000 ⁵
SS R II	8	10	--	30	35	75	30	10,000
I	8	30	10	0	50	50	--	40,000
MH	8	10	10	0	35	50	65	5,000
MDR	8	10	10	0	35	50	65	5,000
LDR	8	10	10	0	35	50	50	10,000
FAS	8	10	10	0	35	50	15	40,000
FAAR	8	10	10	100	35	100	7	40,000 ⁵
FAW	8	10	10	0	35	50	1	400,000

- 1) For every 1 ft. elevation above 35 ft. an additional 2 ft. in side yard (on each side) must be added.
- 2) For every 1 ft. elevation above 35 ft. an additional 1 ft. in side yard (on each side) must be added.
- 3) No setback required for lots bulkheaded with materials suitable for permanent control of erosion.
- 4) For all lots bordering on the Bypass, the front yard requirement shall apply to the boundary line in common with the highway right of way.
- 5) Lot sizes shall be decreased 50% when public sewer or community system approved by DNRCD is provided.
- 6) Setback and yard requirements shall apply to necessary structures as well as principal buildings.

Article 3. Non-conforming Situations

301 Purpose. It is the intent of this ordinance to treat equitably those situations where due to no fault of the landowner a lot or use cannot be made to conform to the requirements of this ordinance.

302 Non-conforming Lots and Structures.

(a) Except where specifically noted in subsections (c) of the district regulation (See Article 2 of this ordinance), non-conforming uses existing at the time of the effectiveness date of this ordinance and not discontinued or abandoned for a period of more than 18 months may be continued.

(b) (1) All lots must comply with the special requirements set out in subsection (f) of the district regulations.

(a) However, where the costs of compliance are determined to impose a significant burden on the landowner in comparison with the money invested in the property, compliance may be extended to the year 1990.

(b) However, where the costs of compliance are unreasonable, the lot will be excused from the applications of these regulations.

(2) Where an existing lot cannot comply with the dimensional requirements, see subsection (a) of district regulations, concerning minimum width, or lot size, it may be exempted from those regulations and it may be developed or its use allowed to continue, provided the non-conforming lot could not be made to conform by

adding to it a portion or all of the land from an adjoining or adjacent lot and provided further that both the non-conforming lot and the adjacent lot were not owned by the same person at any point in time following the effectiveness date of this ordinance.

(3) Where an existing structure cannot comply with the setback from the water requirement in subsection (d) of the district regulations, it is exempted from the application of those regulations provided the costs of compliance are determined to be unreasonable in light of the investment made in the property and the likely damage which might occur to users of the structure, nearby property owners, or the environment.

(4) Where an existing structure fails to comply with other side, front or rear yard setbacks as set out in subsection (d) of the district regulations or setins, it is exempt from those requirements.

303 Destruction of a Non-conforming Structure.

In the event a non-conforming structure is damaged in value to more than 50% of its replacement cost at the time of damage, it shall not be rebuilt as a non-conforming structure.

304 Extension or Enlargement of a Non-conforming Situation.

(a) No person shall engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation.

(b) A non-conforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming.

(c) Physical alteration of structures or the placement of new

structures on open land are unlawful if they result in:

- (1) an increase in the total amount of space devoted to a nonconforming use; or
- (2) greater nonconformity with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements.

305 Relocation. If a nonconforming structure is moved for any reason for any distance, it shall thereafter conform to the requirements of this ordinance.

306 Minor Repairs. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged.

Article 4. Sign Regulations

401 Purpose. The purpose of this section is to make reasonable provisions governing the use of signs.

402 Signs Not Subject to This Regulation. The following signs are not subject to this ordinance:

- (a) Official signs and notices erected by public officers or agencies;
- (b) public utility signs
- (c) public service signs
- (d) signs containing directional informations about public places.

403 Signs.

(a) Except in commercial or industrial districts, all signs shall be limited as follows:

- (1) 1 sign per lot
- (2) The size of the sign shall not exceed 1 square foot
- (3) No sign shall be illuminated

(b) In commercial and industrial districts, signs shall be limited as follows:

- (1) 1 sign per lot
- (2) Signs shall not exceed 1 square foot for each linear foot of road frontage along a major highway on which the sign is placed. However, no sign shall exceed 165 square feet.
- (3) No sign shall be illuminated or constructed in such a way that it interferes with the effectiveness of an official traffic sign or obstructs or hinders the safe

use of the highways and streets.

Article 5. Parking

501 Purpose. The purpose of off-street parking requirement is to relieve traffic congestion in the street and to minimize any detrimental effect of offstreet parking on adjacent properties.

502 Offstreet Parking Requirements. Off-street parking shall be provided and maintained in at least the amounts shown in the following schedule.

<u>Use</u>	<u>Number of Spaces</u>
(1) Single family dwellings	2 spaces per unit
(2) Multi-family dwellings	1½ spaces per unit
(3) Motels	1 space per unit
(4) Other business, commercial, institutional or non-profit enterprises.	1 space per 2 persons at maximum capacity, or 1 space per 200 sq. ft. of building space, whichever is greater.

Each parking space shall have minimum dimensions of 10 feet by 20 feet and shall be located outside any street or highway right-of-way.

504 Complementary Commercial Uses.

Where one commercial use reaches maximum capacity at a different time than a neighboring commercial use, the two uses together may submit a joint parking plan or proposal providing for off-street parking to meet the needs of both units considered together. Any proposal should address capacities anticipated at various times, the number of spaces needed and their location, the method of notifying

the public of the shared facility and should set out the written agreement between the parties for shared use.

505 Parking During Construction. Each lot owner shall provide off-street parking area sufficient to meet the average demand from workers and developers during construction.

Article 6. Special Uses

601 Purpose of the Special Use Permit. Special use permits add flexibility to the zoning ordinance. Subject to high standards of planning and design, certain property uses are allowed in the several districts where these uses would not otherwise be acceptable. By means of controls exercised through the Special Use Permit procedure, property uses which would otherwise be undesirable in certain districts can be developed to minimize any bad effects that they might have on the surrounding properties.

Article 2 sets forth uses that may be established as a matter of right in each district and specifies various lot dimensions and space requirements that must accompany each established use. Some land uses, however, have a particular impact on the surrounding land that cannot be determined and controlled by general regulations. In order to insure that these uses, in their proposed locations, would be compatible with surrounding development, their establishment shall not be as a matter of right but only after review and approval as hereinafter provided.

602 Administration of Requirements of Special Use Permits.

Special use permits shall be issued or denied by the Board of Adjustment upon recommendation of the Town Zoning Officer using the same procedure as with other zoning matters, except that the Town Zoning Officer or Board of Adjustment may require the applicant to prepare sufficient information to enable them to make the decision. The procedure shall be as follows:

(a) The owner(s) shall submit an application for a special use permit to the Town Zoning Officer. Such application shall include all the requirements pertaining to the meeting of the general and specific standards for development.

(b) The Town Zoning Officer shall give notice of a public hearing, and following submittal by the property owner of all information required by said officer and deemed necessary for the making of a recommendation and decision shall make a recommendation to the Board of Adjustment.

(c) The Board of Adjstment shall be allowed to affirm the recommendation or to reverse the same following the same procedure as set out in the enabling legislation for dealing with variances and appeals.

603 General Standards. In order to grant a permit for a special use the Board of Adjustment shall find:

(a) that the use will not materially endanger the public health, or safety if located where proposed and developed according to the plan as submitted and approved.

(b) that the use meets all required conditions and specifications.

(c) that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

(d) that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Town.

604 Special Standards.

(a) Mines. The mining, quarrying, stripping, or other removal of elements, minerals, rock, gravel, sand, soil, clay topsoil or other substances shall be permitted provided a 5 year plan is submitted every three years showing the area to be mined, efforts to be undertaken to control and limit dust, noise and other adverse effects to neighboring property owners and the environment from extraction and transportation. The plan should also set forth a plan for reclamation.

(b) Outdoor Recreation Activity. An outdoor recreational activity must have a minimum lot size of two acres, be no less than 100 feet from a street or highway, or residential property line, be no less than 50 feet from boundary lines in other uses, have a maximum height of no more than 40 feet, and a vegetated buffer. Noise levels shall not exceed 100 db at the property line. The activity shall not be visible from the adjoining street right of way or neighboring lots.

Article 7. Floodway District

701 Purpose. The purposes of this article are:

(a) To make appropriate land use adjustments, to construct the development of land which is exposed to flood damage and to minimize damage caused by flood losses by guiding the development of proposed future construction, where practicable, away from the locations which are threatened by flood hazards, and by encouraging participation in the National Flood Insurance Program, while authorizing continued studies of flood-hazard areas in order to provide for a constant reappraisal of those hazards in areas existing in future developments.

(b) To protect the water carrying capacity of flood ways and the water storage capacity of floodway areas during floods by means of an over-all program of corrective and preventive measures for reducing flood damage, including but not being limited to emergency preparedness plans, flood control works and land use and control measures.

(c) To protect the public health and safety and to prevent loss or damage to homes or other property which might be caused by water, sand or water-borne debris.

(d) To permit an acceptable use of land in relation to the hazards involved by permitting the construction of buildings in the floodway area under specific protective conditions, on any zoning lot, however and whenever created.

702 Created; Map Generally.

The flood plain areas within the jurisdiction of this article are divided into three zones of floodway areas, which zones are zone A -- area of special flood hazard, zone V -- area of special flood hazard

with velocity, and zone C -- area of minimal-flood hazard, such zones as presently designated are described on the flood hazard boundary map herein established.

The aforementioned map together with all explanatory matter are adopted and incorporated herein by reference as if fully set forth and declared to be a part of this Code.

The boundaries of the floodway areas may be amended in a manner prescribed for other amendments to the zoning ordinance of the town, only after the flood hazard boundary map has been amended by the Federal Insurance Administration through its appropriate appeal procedure, in cases where:

- (a) A flood control project of the federal, state, county or city government has substantially altered the flood hazard;
- (b) Flood data indicates that the boundaries of either of the zones as shown on the map are no longer correct; or
- (c) Additional information relating to ocean, sounds, creeks, lakes and waterways becomes available.

703 Boundaries.

The boundaries of the flood-way zones shall be determined from the flood hazard boundary map. Where interpretation is needed as to the exact location of the boundaries of the zones shown on the flood hazard map, as, for example, where there appears to be a conflict between a map boundary and the actual field conditions existing prior

to December 10, 1974, the board of adjustment shall make the necessary interpretation and direct that corrections of boundaries be made on the flood hazard boundary map where it finds that such are required. Such direction shall be made to and subject to the approval of the board of commissioners of the town. In such instances the regulatory flood protection elevation shall be the governing factor in locating a district's boundary on any property. Any person contesting the location of a district boundary shall be given a reasonable opportunity to present his contentions to the board of adjustment after notice to such affected person. The board in consideration of such objection shall accept engineering data of a registered professional engineer as evidence in such hearing. Where there is presented to the board conflicting engineering data, the board shall determine after an investigation of all of the facts at issue where such boundaries shall be located.

704 Overlay District.

The "flood-way and zone areas" shown on the maps referred to in this article are overlay districts whose requirements shall be deemed to apply in this and in addition to those contained in the heretofore established zoning districts within the town. For example, if the basic underlying district of a portion of the flood-way zone is business, the land may be used for "business" providing that the additional requirements of this article are met.

705 Uses.

(a) Zone C. Any use shall be permitted in zone C which is consistent with this chapter as to use of land, for example, business, RA-5, RA-6, light industrial, limited business, etc.

(b) Zone V5. Any use which is consistent with the existing zoning as to uses are permitted in zone V5; provided, that all new construction of residential structures or substantial improvement of existing residential structures including prefabricated and mobile homes shall:

- (1) Be located landward of the reach of the mean high tide;
- (2) Be elevated on adequately anchored piles or columns to a lowest flood level at or above the regulatory flood-protection elevation (9 feet M.S.L.) and is so certified in accord with section 4-12.1 shall be exempted from the conditions imposed by paragraphs (2) and (3) in the preceding paragraph.

All nonresidential construction in zone V5 shall be consistent with existing permitted uses within this zone; provided, that such new construction or substantial improvement shall:

- (1) Be located landward of the reach of the mean high tide;
- (2) Be elevated on adequately anchored piles or columns to a lowest floor level at or above the applicable elevation (9 feet M.S.L.) and securely anchored to such piles or columns; and
- (3) Have no basement and have the space below the lowest floor free of obstructions so that the impact of abnormally high tides

or winddriven water is minimized.

Nonresidential construction upon land located within zone V5 as shown on FIA Flood Hazard Boundary Map No. 8-03, which at the time of application for a permit, has a natural elevation of all of the land area upon which such structure is to be placed, in excess of the regulatory flood-protection elevation (9 feet M.S.L.) and is so certified in accord with section 4-12.1 shall be exempted from the conditions imposed by paragraphs (2) and (3) in the preceding paragraph.

(c) Zone A5. Any use which is consistent with the existing zoning as to uses shall be permitted in zone A5; provided, that all new construction of residential structures or substantial improvement of existing residential structures including prefabricated and mobile homes shall have the lowest floor of such structure elevated to or above the regulatory flood-protection elevation (9 feet M.S.L.). The building inspector shall obtain, review, and utilize basic flood elevation data from alternative sources, prior to its being provided by Federal Insurance Administration through its flood insurance rate study, as criteria for requiring that all new residential structures and substantial improvements to existing structures have their lowest floor (including basement) elevated to or above the base flood level, and that new nonresidential structures and substantial improvements to existing structures have the lowest floor (including basement) elevated or floodproofed to or above the base flood level.

Nonresidential construction upon land located within zone A5 shall be consistent with existing permitted uses within this zone;

provided, that all nonresidential construction or substantial improvement shall have the lowest floor elevated or floodproofed to the regulatory flood-protection elevation (9 feet M.S.L.).

The storage or processing above ground and the storage below ground of materials or fuel which are flammable or explosive or which could otherwise be injurious to animals or plant life in terms of the flood, shall be unlawful; provided, that this prohibition does not extend to the conventional gasoline service station which utilizes temporary storage below ground of materials in connection with the sale and distribution of gasoline and service of motor vehicles.

(d) Zones A0 and A1-30.

(1) In zone A0 for new construction and substantial improvements it is required that residential structures have the lowest floor (including basement) elevated above the crown of the nearest street to or above the depth number specified in the community's FIRM, and that nonresidential structures have the lowest floor (including basement) elevated above the crown of the nearest street to or above the depth number specified as the community's FIRM; or be floodproofed to or above that level.

(2) Zone A1-30. In zones A1-30 for new, substantially improved or expanded mobile home parks or subdivisions, and for mobile home placement not in existing mobile home parks or subdivisions, it shall be required that stands or lots are elevated to or above the base flood level, and that adequate access and drainage is provided, and, if pilings are used for elevation, that the construction standards

for elevation on pilings are met in accordance with section 1910.3(c) (5) (iii) of the General Statutes of North Carolina.

(3) Zone A0 and A1-30. In zones A1-30 and A0 where flood-proofing is used in lieu of elevation, it shall be required that a registered professional engineer or architect certify that the floodproofing methods used are adequate to withstand the forces associated with the base flood and submit such certification to the town; or submit to the Federal Insurance Administration for approval, local regulations containing detailed floodproofing specifications which meet the watertight performance standards of section 1910.3(c) of the General Statutes of North Carolina.

(e) Zone VI-30. In zone VI-30 it is required that all new construction and substantial improvements:

(1) Shall be elevated and secured to adequately anchored pilings and columns so that the lowest portion of the structural members of the lowest floor (excluding pilings or columns) is elevated to or above the base flood level and is certified by a registered professional engineer or architect that the structure is secured to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash; and,

(2) Have space below the lowest floor free of obstruction or constructed with "breakaway walls" intended to collapse under stress without jeopardizing the structural support of the structure.

706 Responsibilities of Building Inspector.

The building inspector shall:

- (a) Review all development permits to assure that the permit requirements of this section have been satisfied;
- (b) Verify and record actual elevation in its relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures.
- (c) Verify and record actual elevation in relation to mean sea level to which new or substantially improved structures have been floodproofed.
- (d) Provide general standards for flood hazard reduction as follows.

In all areas of special flood hazard the following provisions are required:

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (3) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (4) All new and replacement water supply systems shall

be designed to minimize or eliminate infiltration of flood waters into system.

(5) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(6) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(7) Any alteration, repair, reconstruction or improvements as to a structure on which the start of construction was begun after June 27, 1978, shall meet the requirements of "new construction" as prescribed in this section.

(e) The building inspector shall provide specific standards for flood hazard reduction as follows:

(1) Residential construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated to or above base flood elevation.

(2) Non-residential construction. New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is water-tight with walls substantially impermeable to the passage of water and with structural components having the

capability of resisting hydrostatic and hydrodynamic loads and effects of buoyance. Such certification shall be provided by the building inspector.

(3) Mobile homes--Generally. All mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

a. Over-the-top ties be provided at each end of the mobile home, with one additional tie per side at an intermediate location on mobile homes of less than fifty feet and one additional tie per side for mobile homes of fifty feet or more;

b. Frame ties be provided at each corner of the home with four additional ties per side at intermediate points for mobile homes less than fifty feet long and one additional tie for mobile homes of fifty feet or longer;

c. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and,

d. Any additions to the mobile home be similarly anchored.

(4) Same--Additional requirements. For new mobile home parks and subdivisions, for expansions to existing mobile home parks and subdivisions and for existing mobile home parks and subdivisions where the repair, reconstruction or improvement of the street, utilities and pads before the repair, reconstruction or improvement has commenced and, for mobile homes not placed in a mobile home park

or subdivision, the following requirements must be met:

a. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or about the base flood level;

b. Adequate surface drainage and access for a hauler are provided; and,

c. In the instance of elevation on pilings: lots must be large enough to permit steps; piling foundations must be placed in stable soil no more than ten feet apart; and, reinforcement must be provided for pilings more than six feet above the ground level.

(f) The building inspector shall provide that in coastal high hazard areas (V Zones) all buildings or structures shall be located landward of the reach of the mean high tide and that there shall be no fill used as structural support.

(g) The building inspector shall amend the subdivision ordinance of the town to provide the following

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

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Article 8

(Reserved For Historic District)

Article 9
(Reserved for PUD)

Article 10

(Reserved for Airport Hazard Overlay Zone)

Article 11. Enforcement and Administration

110] Duties of building inspector generally; appeal of decisions of building inspector.

The building inspector is hereby authorized and it shall be his duty to enforce the provisions of this chapter. Appeal from decisions of the building inspector may be made to the board of adjustment as provided in section 20-69.

The building inspector upon the receipt of an application for a building shall require of the applicant records of elevation and floodproofing levels as to the structure proposed to be built, which records shall become a permanent record of the Town and available for inspection by the Federal Insurance Administration or such other agency administering the flood insurance law. The Town may make an additional charge to its regular building inspection fees for the purpose of defraying the expenses of such records and the maintenance thereof in its offices. In addition thereto, such application shall contain information as to whether or not the proposed structure contains a basement. If so, the details of such proposed basement shall be included in the application.

The building inspector shall also review permits for proposed developments to assure that all other necessary permits have been received from those governmental agencies from which approval is required by the federal or state law.

1102. Certificates of occupancy; certificate of AEC consistency.

(a) Generally. No land shall be used or occupied, except for agricultural purposes, and no building hereafter structurally altered or erected shall be used or changed in use until a certificate of occupancy and consistency with CAMA areas of environmental concern shall have been issued by the building inspector stating that the building or the proposed use thereof complies with the provisions of this chapter and the State guidelines for areas of environmental concern.

(b) Nonconforming uses. A like certificate shall be issued for the purpose of maintaining, renewing, changing or extending a non-conforming use.

(c) Application; issuance generally. A certificate of occupancy, either for the whole or a part of a building, shall be applied for coincident with a building permit, and shall be issued within ten days after the erection or structural alterations of such building or part shall have been completed in conformity with the provisions of this chapter.

(d) Records. A record of all certificates shall be kept on file in the office of the building inspector and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building erected.

(e) Statements of intended use. No permit for excavation for, or erection of, any building, or part of a building, shall be issued until a statement of its intended use has been filed by the applicant.

(f) Certificates shall be in the following form:

CERTIFICATION OF ZONING AND CAMA AREAS
OF ENVIRONMENTAL CONCERN CONSISTENCY

On _____ (date) _____ the _____ town/county _____ of
_____ considered initial zoning/rezoning/
or conditional use _____ of a tract/parcel of land located at

and owned by _____.

This certifies that the tract/parcel in question is/is not
located in an Area of Environmental Concern, based on an on-site
investigation and an examination of the town/county official AEC
overlay map by both the local AEC Permit Officer and the local zoning
enforcement officer.

This further certifies that if the tract is, in part or totally,
in an Area of Environmental Concern, all proposed uses or structures
in the AEC will comply with development standards of the State
Guidelines for Areas of Environmental Concern.

AEC PERMIT OFFICER

ZONING ENFORCEMENT OFFICER

DATE

1103. Plats.

(a) To accompany application for building permit. Each application for a building permit shall be accompanied by a plat in duplicate, drawn to scale, showing accurate dimensions of the lot to be built upon, accurate dimensions of the building to be erected, its location on the lot and such other information as may be necessary to provide for the enforcement of this chapter.

(b) Records. A careful record of such applications and plats shall be kept in the office of the building inspector.

1104. Board of Adjustment; composition; terms.

(a) A Board of Adjustment is hereby established.

(b) The Board of Adjustment shall consist of five members who shall be property owners of the Town appointed by the mayor and approved by the Board of Commissioners.

(c) The term of office of the members of the Board of Adjustment shall be for three years; except, that the five members first appointed shall serve respectively for terms of one year; two years; and three years; and thereafter members shall be appointed for terms of three years each.

(d) Vacancies on the Board of Adjustment shall be filled for the unexpired term only.

(e) Members shall be removed for cause by the board of commissioners upon written charges and after public hearing.

1105. Designation of Chairman. The members of the Board of Adjustment shall select one of their members to act as chairman and another as vice-chairman. Each shall serve the Board in this capacity for one year from the time of appointment.

1106. Rules and Regulations. The Board of Adjustment shall adopt from time to time such rules and regulations as it deems necessary to carry out the provisions of this article.

1107. Records.

All meetings of the Board of Adjustment shall be held at a regular place and shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent and failing to vote, an indication of such fact. Final disposition of appeals shall be recorded by resolution indicating the reasons of the board of adjustment therefore. All such records shall be a public record.

1108. Appeal of Decisions of Building Inspector.

(a) Standing. An appeal from the decision of the building inspector may be taken to the Board of Adjustment by any person aggrieved, or any officer, department, board or bureau of the Town affected by such decision.

(b) Time; notice. Such appeal shall be taken within twenty days as provided by the rules of the Board of Adjustment by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof.

(c) Transmittal of records. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken.

(d) Stay of proceedings under appealed order. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Board of Adjustment after the notice of appeal shall have been filed with him by reasons of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.

1109. Powers generally.

The Board of Adjustment shall have the following powers:

(a) Appeals. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the building inspector.

(b) Temporary building permits. To permit a temporary building for business in the residential district which is incidental to the residential development; such permit shall be issued for a period of not more than one year.

(c) Public garages. To permit a garage, other than a private

garage but for storage purposes only, as an accessory building to a hotel, hospital or similar institution in the residential district where they are deemed necessary for the public convenience for welfare and where this can be done without substantially derogating the intent and purpose of this chapter.

(d) Variances. To authorize variances upon appeal in specific cases from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done.

1110. Vote Required to Take Action.

The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the building inspector, to decide in favor of the applicant any matter which it is required to pass under this chapter or to effect any variation in this chapter.

1111. Appeal of Board Decisions.

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment or any taxpayer or any officer, department, board or bureau of the Town may, within thirty days of the filing of the decision in the office of the Board of Adjustment but not thereafter, present to a court of competent jurisdiction a petition duly verified setting forth that such decision is illegal,

in whole or in part, specifying the grounds of illegality, whereupon such decision of the board of adjustment shall be subject to review by certiorari as provided by state law.

1112. Fees. All appeals from decisions of the building inspector and all applications for a Special Use Permit shall be accompanied by ten copies of application and relevant papers and maps and a review fee of \$100.

1115. Amendments to Zoning Ordinance and Map.

The Town Board of Commissioners may from time to time, amend, supplement, change, modify or repeal this ordinance or portions thereof either on their own motion or upon petition, after public notice and hearing. All applications for rezonings or amendments to the ordinance should be submitted to the zoning officer. An application for an amendment or rezoning shall contain a description or statement addressing the following: (a) the area to be rezoned; (b) the classification and regulations which govern the area and those intended to govern the area; (c) the reason for the change; (d) how the change fits in with policies and technical material adopted in the land use plan; (e) the owners of adjacent property; (f) the effects such a change will have on nearby property and the environment. The regulations or map shall not be amended, supplemented, changed, modified or repealed until a public hearing has been held. Notice of public hearing shall be given once each week for two weeks before the hearing.

1116. Penalties.

(a) Any person, firm or corporation who violates any provision

of this ordinance shall, upon conviction, be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. Each day a violation exists shall be considered a separate offense.

(b) In the event that a conditional or special use permit is violated or its term exceeded, the permit shall become void and of no effect.

(c) The building inspector or any person aggrieved may institute an appropriate action, including injunction and mandamus, to correct or abate a violation.

Article 12. Definitions

For purposes of this ordinance, the following words and phrases shall have the following meanings:

Accessory Building. A use customarily incidental and subordinate to the principal or main building and located on the same lot as the principal building.

Apartment House. See multi-family dwelling.

Building. Any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of persons, animals or chattels.

Building Height. The vertical distance from the average sidewalk grade or street grade or finished grade at the building line, whichever is highest, to the highest point of the building.

Camper. A self-propelled vehicle or structure containing sleeping and/or kitchen quarters.

Development. Any man-made change to improved or unimproved real estate.

Developmental Uses. Buildings, septic systems, impervious surfaces created by paving driveways, alleys, etc.

Dwelling Unit. A unit or portion of a building providing complete or permanent living facilities for one family.

Entertainment Enterprises. Businesses engaged in offering

substantial entertainment facilities services to the public, such as night clubs, bingo establishment, arcades, and the like.

Family. Any number of individuals living together as a single housekeeping unit.

Fill. Soil or solid materials intended to or placed in areas that are wet to make such areas dry and developable.

Flood. The general and temporary condition of partial or complete inundation of normally dry land areas from overflow of ocean, sound, creeks, watercourses or lakes or abnormally high tidal water or rising coastal waters resulting from severe storms, hurricanes, tidal waves or flash flooding.

Flood Plain Areas. That area of land adjoining an ocean, sound, creek, watercourse or lake which is likely to be flooded, on the average, once every one hundred years. These areas were mapped by Department of Housing and Urban Development on maps FIA Flood Hazard Boundary Map No. H-03 and FIA Flood Insurance Rate Map No. I-03.

Flood Zones. Zones designated on the flood hazard maps referred to above.

Floodproofing. Any combination of structural and non-structural features, additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water, sanitary facilities, structures and contents of buildings, as set forth in "Floodproofing Regulations," June 1972 and amendments, published by

Office of the Chief of Engineers, U.S. Army, Washington, D.C.

Frontal Dune. That dune or mound of sand lying closest in distance to the mean high water of the Atlantic Ocean.

Home Center. A place of business offering materials for sale for home care and use, including hardware, appliances, lumber and building materials, but not amounting to a lumber yard. All materials shall be within an enclosed structure.

Home Occupation. Any profession or occupation carried on by person residing on the premises; provided no merchandise is sold there, no mechanical equipment is installed or used there (other than customary to the principal use) and provided not over twenty-five percent of the total floor area is used for such purposes.

Lot. A parcel of land, synonymous with parcel or tract.

Materials Suitable for Control of Erosion. Materials and manner of construction determined by building inspector, based on general information supplied by the Army Corps of Engineers or the Department of Natural Resources and Community Development, to be suitable for permanent construction of a bulkhead or other device to restrain erosion.

Mean High Water. The mean high elevation of water in the ocean or sound as described in the regulations set out by the Department of Natural Resources and Community Development in 15 NCAC 7H.

Minor Repair. An improvement or repair of a structure which will not increase the value of the structure by over fifty percent.

In assessing the value of repairs to a nondamaged structure the value of the structure shall be determined by an appraisal of the structure immediately prior to the repairs or improvements being made. In assessing the value of repairs to a damaged structure the value of the structure shall be determined by appraising its value prior to its being damaged.

Mobile Home. See Trailer.

Modular Unit. A factory fabricated transportable building which is assembled on the site with dimensions greater than 24 feet by 60 feet and which is permanently fixed to pilings, slab, or foundation so as to constitute real property. A modular unit is a single or multi-family unit and not a mobile home.

Motel, Hotel. A building designed to provide sleeping accommodations to the public for compensation and having some or none of the following customarily incidental uses: restaurant, entertainment facilities, etc. Cottage Courts are usually motel units.

Multi-family Dwellings. A building or portion thereof used or designed as a residence for two or more families living independently of each other. Townhouses are usually multi-family structures.

Nonconforming lot or structure or use. A lot, structure or use that does not conform with the regulations of the zone or district in which it is situated.

Open Space. Land or portion of the land not being or intended for development uses.

Park. Lot intended for non-development uses, including but not limited to natural uses, recreational uses (picnic tables, swings, ball fields), and the like.

Parking Lot. A lot intended or designed for the storage or parking of motor vehicles.

Permitted Use. A use of a lot permitted as of right and not requiring the issuance of a special use permit.

Planned Unit Development or PUD. An area of land being developed as an integral whole, and which when developed will consist of many units (dwelling, commercial or other) and buildings under separate ownership but with a commonly owned open space.

Restaurant. Place where food and/or beverages are served to paying customers for consumption on the premises.

Retail Stores. Such as grocery stores, drugstores, hardware stores, novelty shops, and the like.

Septic System. On lot sewage disposal system, requiring a permit for operation from the County Health Department.

Service Stations. Motor vehicle sales, service and repair.

Sewage Disposal System. A sewage disposal system other than a septic system (or a septic system larger than 300 gallon capacity) requiring a permit for operation from the Department of Natural Resources and Community Development.

Small Business Establishments. Places of business where services other than professional, are rendered, such as tailoring, bartering, hair-styling, photography, electronic equipment repair and the like.

Soundside Dunes. Dunes not constituting the primary or frontal dune system. The dunes have been approximately described and mapped, where the mass is substantial or the slope steep, on the Kill Devil Hills Dunes, Ponds and Woods Map, which is part of the Land Use Plan.

Special Use. A use for which a permit is required to be issued by the Board of Adjustment upon findings that the general and specific conditions of this ordinance, and especially those set out in Article 7, are met.

Storage yard. Lot or portion of lot designed or intended for storage of materials or equipment.

Street. A dedicated and accepted public right of way for vehicular traffic which affords access to abutting properties.

Trailer. A structure other than a single family, multi-family unit or motel which is placed or intended for placement on a stationary foundation and designed to be used for permanent or semi-permanent living. It is neither self-propelled nor less than 8 feet by 32 feet in dimensions.

Vegetated Buffer. A buffer of vegetation located within the setback or setin space of a lot and consisting of natural vegetation, either shrubs or trees, of a height when planted of three feet or higher

and which when given a growth of five years will totally block off the view of the buildings on the lot at an elevation from anywhere on the common property line at six feet.

Wetlands. Land areas regularly or intermittently but frequently inundated by water and at the time of the adoption of this ordinance determined to probably or likely be subject to the jurisdiction of the U.S. Army Corps 404 jurisdiction or the Department of Natural Resources and Community Developments, CAMA or dredge and fill jurisdiction. The wetland area has been approximately defined and mapped on the Kill Devil Hills Wetlands Map, which is part of the Land Use Plan.

For purposes of this ordinance, words used in the present tense shall include the future, words used in the singular include the plural and vice-versa. The word "shall" is always mandatory and not merely directory.

SECTION IV

KILL DEVIL HILLS OFF ROAD VEHICLE ORDINANCE

KILL DEVIL HILLS
OFF ROAD VEHICLE ORDINANCE

Sec. 12-34.1. DEFINITIONS. For the purposes of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Barrier dune. The easternmost sand dune or system of sand dunes which lies just west of the mean high water mark of the Atlantic Ocean and forms a protective barrier from the actions of the Atlantic Ocean.

Beach. All that area from the easternmost edge of the barrier dune line eastward and protruding into the Atlantic Ocean for a distance of one hundred yards east of the mean low water mark.

Toe of Slope. That point between the ocean and the barrier sand dune where the uniform line of slope from the ocean toward the barrier dune begins an abrupt change of angle of direction upward and becomes the slope of the barrier dune.

Vehicle. All kinds of motor driven and wind powered vehicles including fishing boats and amphibious vehicles but excluding sailboats used for sport, surfboards and amphibious vehicles which are afloat and no portion of which is beached, aground or operating on wheels or tracks.

Vehicular Beach Access Point. An access maintained by the Town for use by vehicles at a designated location, usually on a Town street. Vehicle access is permitted at these points and at no other location.

Sec. 12-34.2 GENERALLY. Except as hereinafter provided, it shall be unlawful to operate any automobile, "off the road" vehicle, motorcycle, wind powered or motor powered vehicle or other vehicle on the beaches of the town. Notwithstanding the provisions governing permits as hereinafter provided, no vehicle shall be operated on the beach of the town between 12:01 A.M. on the first day of May and midnight on the thirtieth day of September of each and every year.

Sec. 12-34.3 PERMITS--PERMITTED VEHICLES; INSPECTION OF VEHICLES. Permits shall be issued only for land vehicles having a four wheel drive and which shall have passed inspection by the department of motor vehicles of the state or by the equivalent department or agency of the state in which the vehicle is licensed; provided, that land vehicles registered in states having no state inspection program must be examined by the permit issuing employee and found to have operating headlights, taillights, brakes, horn and windshield wipers. In addition two stick-on identification numbers will be issued at no cost to the owner or operator of any boat which is to be transported onto the beach. Said identification numbers must be displayed one on each side of the bow of any boat just below the state identification numerals, if any.

Sec. 12-34.4 APPLICATIONS: PERIOD OF VALIDITY. Any person desiring to operate a permitted vehicle on the beach of the town shall make application to the appropriately designated employee of the town to do so and shall present the vehicle for inspection at the Town Hall or Police Department between the hours of 8:30 A.M. and 4:30 P.M. daily including Saturdays, Sundays and holidays with the applicant's name, address, driver's license number, registration number and type of vehicle for which such permit is sought and the reason for the operation of such

vehicle on the beach area. A permit issued hereunder shall be valid from 12:01 A.M. the first day of October and shall expire at midnight on the thirtieth day of April of each year.

It is further provided that there shall be a separate permit for each vehicle for which a permit is desired under the terms of this ordinance; except, that for commercial fishermen holding a valid North Carolina commercial fishermen's license, operating one or more vehicles in the business of commercial fishing, upon inspection of all vehicles so used when owned and titled in the same name and upon payment of the fee for the issuance of a single permit, duplicate permits shall be issued for all vehicles so used and owned as hereinabove stated; provided, that all such vehicles meet the inspection requirements as set out in section 12-34.3 of this ordinance.

Sec. 12-34.5 FEE. An applicant for a permit will pay a fee of \$20.00 to the Town at the time of issuance of the permit and will receive a device or insignia which must be permanently affixed and displayed on the front window of the vehicle.

Sec. 12-34.6 ISSUANCE NOT DEEMED AUTHORITY TO OPERATE ON PRIVATE PROPERTY. No permit issued hereunder shall be construed to authorize a vehicle or the owner or operator thereof to operate on private property without the permission of the owner of such property.

Sec. 12-34.7 RULES OF OPERATION. Vehicles for which a permit is obtained shall be operated in accordance with the following rules:

(a) No vehicle shall be operated on the beach at a speed in excess of twenty-five miles per hour.

(b) No vehicle shall be operated on the beach during the period set out in Sec. 12-34.2 of this ordinance.

(c) No vehicle shall be operated west of a line located forty (40) feet eastward of the "toe of slope" of the dune except in going to and from the beach area at authorized vehicular beach access points. However, nothing contained herein shall be construed to permit driving on the barrier dunes or driving on private property without the express permission of the owner even though the "forty foot line" is located west of the private property east boundary which extends to the mean high water mark of the ocean.

(d) Permitted vehicles going to and from the beach area shall use as an entrance and exit only the designated vehicular beach access points which shall be designated as such by the Board of Commissioners of the Town and appropriately marked.

(e) Vehicles having permits may be operated on the beach only from one-half hour prior to sunrise to one-half hour following sunset daily.

(f) Pedestrians, swimmers and bathers shall have the right of way over all vehicles being operated on the beach.

(g) Any person who drives any vehicle upon the beach area carelessly and heedlessly in willful or wanton disregard of the rights or safety of others or who drives any vehicle upon the beach without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property shall be guilty of reckless driving and punished pursuant to Sec. 12-34.10 of this ordinance.

(i) Any operator of any vehicle on the beach area or going to and from the beach must have a current and valid motor vehicle operator's

license issued by the State of his residence.

Sec. 12-34.8 EXCEPTIONS.

(a) The provisions of this ordinance shall not apply to municipal employees, municipal vehicles or emergency vehicles or the drivers thereof, which may be required to enter upon the beach in the performance of their duties nor shall this ordinance apply to a governmental agency, its employees, agents, contractors and subcontractors and their vehicles when engaged in beach restoration or protection work.

(b) The date and time limitation provided in sections 12-34.2 and 12-34.4 shall not apply to commercial fishermen holding a valid State commercial fishermen's license when engaged in commercial fishing activities.

Sec. 12-34.9 RECIPROCAL AGREEMENTS WITH COUNTY OR OTHER TOWNS. If the County or any Town within the County shall adopt an ordinance regulating the operation of vehicles on its beaches, the Board of Commissioners may enter into a reciprocity agreement with that Town or the County; provided that the Board of Commissioners finds that the ordinance contains similar provisions to this ordinance.

Sec. 12-34.10 VIOLATIONS. Any person operating a vehicle or owning a vehicle which is allowed to operate in violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction, be sentenced in accordance with section 160A-308 or section 14-4 of the General Statutes of North Carolina and in addition any permit issued under this ordinance shall be revoked for the remainder of the permit period.

This ordinance shall be in full force and effect from and after the day of , 1981.

NOAA COASTAL SERVICES CTR LIBRARY



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